

the inconsistency of the United States in expressing sympathy for the Chinese and at the same time making possible the continuance of warfare against them through the furnishing of war material to Japan; to the Committee on Foreign Affairs.

728. By Mr. RUTHERFORD: Petition of the residents of the Fifteenth Congressional District of Pennsylvania, favoring the passage of House bill No. 11; to the Committee on Ways and Means.

729. Also, petition of the residents of Berwick, Columbia County, Pa., protesting the lifting of the embargo on arms to Spain; to the Committee on Foreign Affairs.

730. Also, petition of certain residents of Montour County, Pa., protesting against the lifting of the embargo on arms to Spain; to the Committee on Foreign Affairs.

731. Also, petition of the residents of Centralia, Columbia County, Pa., protesting against the lifting of the embargo on arms to Spain; to the Committee on Foreign Affairs.

732. Also, petition of the residents of Honesdale, Wayne County, Pa., protesting against the lifting of the embargo on arms to Spain; to the Committee on Foreign Affairs.

733. By Mr. TERRY: Petition of the General Assembly of Arkansas, fifty-second session, to the Congress of the United States, urging recognition, by appropriate legislation, rules, resolutions, or regulations of the public benefit to be derived from the use of Works Progress Administration labor in the soil-conservation program in Arkansas; to the Committee on Appropriations.

734. Also, petition of the Arkansas Senate of the fifty-second general assembly (the house concurring), urging that the United States Department of Agriculture investigate the practicability of cotton usage in bagging and ties, road construction, bags and containers, roofing, plastics, and other discoveries in which cotton and cottonseed products may be treated and processed, particularly the new method perfected whereby cotton fabrics treated with emulsified asphalt can be used effectively in the above-named products; to the Committee on Agriculture.

735. By Mr. THOMASON: Petition of Young Men's Aztec Club of Presidio, Tex., protesting against any modification of the embargo on arms effective in connection with civil war in Spain; to the Committee on Foreign Affairs.

736. By the SPEAKER: Petition of Ruth Rice and others, of Hollywood, Calif., petitioning consideration of their petition with reference to the Dies committee; to the Committee on Rules.

737. Also, petition of certain citizens of the State of California, petitioning consideration of their petitions with reference to the General Welfare Act (H. R. 2 and S. 3); to the Committee on Ways and Means.

738. Also, petition of Carmea R. Quinones, Ponce, P. R., petitioning consideration of their resolution with reference to neutrality; to the Committee on Foreign Affairs.

739. Also, petition of Edith Christy, of Big Rapids, Mich., petitioning consideration of their resolution with reference to impeachment proceedings; to the Committee on the Judiciary.

740. By Mr. KRAMER: Petition of the Labor's Non-Partisan League of Los Angeles, relative to retaining the National Youth Administration; to the Committee on Education.

741. Also, resolution of the Labor's Non-Partisan League of Los Angeles, relative to reinstatement of the Works Progress Administration arts project, etc.; to the Committee on Ways and Means.

742. Also, resolution of the Labor's Non-Partisan League of Los Angeles County, relative to embargoes on foreign nations, etc.; to the Committee on Foreign Affairs.

SENATE

Wednesday, February 1, 1939

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O God, the everlasting, who art with us here under the shadows in which we walk, yet art above and beyond where is the light serene flecked with no shadow, draw us nearer to

Thyself by the Spirit Divine, whose breath within is our uplifting toward those heights forever unapproachable even by the wings of the wind, and teach us the burning syllables of Thy tongue that even from the mire and clay we may raise our hymns of adoration not in vain. Lead us through golden discipline of self to the noblest attainments, of national freedom, that by our example many nations of the world may be led to restore even to their humblest citizens those sacred privileges which now are trampled underneath the feet of might. We ask it in the name of Him whose all-redeeming power is love, Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, January 28, 1939, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 83) making an additional appropriation for work relief and relief for the fiscal year ending June 30, 1939, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TAYLOR of Colorado, Mr. WOODRUM of Virginia, Mr. CANNON of Missouri, Mr. LUDLOW, Mr. THOMAS S. McMILLAN, Mr. SNYDER, Mr. O'NEAL, Mr. JOHNSON of West Virginia, Mr. TABER, Mr. WIGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 4. Concurrent resolution to commemorate the one hundred and fiftieth anniversary of the First Congress of the United States under the Constitution; and

H. Con. Res. 5. Concurrent resolution authorizing the printing of additional copies of House Report No. 2 on "Investigation of Un-American Activities and Propaganda."

CALL OF THE ROLL

Mr. LEWIS. I observe the apparent absence of a quorum, and ask for a roll call in order to obtain one.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lee	Russell
Andrews	Downey	Lewis	Schwartz
Ashurst	Ellender	Lodge	Schwellenbach
Austin	Frazier	Logan	Sheppard
Bailey	George	Lundeen	Shipstead
Bankhead	Gerry	McCarran	Smith
Barbour	Gillette	McKellar	Taft
Barkley	Glass	McNary	Thomas, Okla.
Bilbo	Green	Maloney	Thomas, Utah
Bone	Guffey	Mead	Tobey
Bridges	Gurney	Miller	Townsend
Brown	Hale	Minton	Truman
Bulow	Harrison	Murray	Tydings
Burke	Hatch	Neely	Vandenberg
Byrd	Hayden	Norris	Van Nuys
Byrnes	Herring	Nye	Wagner
Capper	Hill	O'Mahoney	Walsh
Caraway	Holman	Overton	Wheeler
Clark, Idaho	Hughes	Pepper	White
Clark, Mo.	Johnson, Calif.	Pittman	Wiley
Connally	Johnson, Colo.	Radcliffe	
Danaher	King	Reed	
Davis	La Follette	Reynolds	

Mr. LEWIS. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from West Virginia [Mr. HOLT], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Tennessee [Mr. STEWART] are detained from the Senate on important public business.

I also announce that my colleague the junior Senator from Illinois [Mr. LUCAS] is absent on public business in the State of Illinois.

Mr. McNARY. I announce that the Senator from Idaho [Mr. BORAH] is absent because of illness.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] is necessarily detained from the Senate and will not be on the floor today.

The PRESIDENT pro tempore. Eighty-nine Senators having answered to their names, a quorum is present.

ORDER FOR CONSIDERATION OF THE CALENDAR

Mr. BARKLEY. I ask unanimous consent that, at the conclusion of the morning business, the calendar be called for the consideration of unobjected bills.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

SPECIAL COMMITTEE TO INVESTIGATE CIVIL SERVICE SYSTEM

The PRESIDENT pro tempore. The Chair appoints the Senator from Nebraska [Mr. BURKE] as a member of the Special Committee to Investigate the Civil Service System, under Senate Resolution 198, Seventy-fifth Congress, vice Hon. Herbert E. Hitchcock, former Senator from South Dakota.

GRADING AND CLASSIFICATION OF CLERKS IN THE FOREIGN SERVICE (H. DOC. NO. 146)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations:

To the Congress of the United States of America:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State and the accompanying draft of proposed legislation to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, February 1, 1939.

[Enclosures: 1. Report of the Secretary of State; 2. Draft of proposed bill.]

UNPAID BALANCES DUE FROM THE UNITED STATES

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting, in response to Senate Resolution No. 304, agreed to June 16, 1938, a statement of the scope and the cost of unpaid balances due from the United States on the books of the Treasury on June 30, 1938, and stating that the Treasury Department is not in a position to make a complete report as contemplated by the resolution, which, with the accompanying paper, was referred to the Committee on Finance.

REPORT OF BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the Board covering operations during the year 1938, which, with the accompanying report, was referred to the Committee on Banking and Currency.

NATIONAL SYSTEM OF AIRPORTS

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Civil Aeronautics Authority making an interim report, pursuant to law, relative to participation of the Federal Government in the development of a national system of airports, which was referred to the Committee on Commerce.

INVESTMENT TRUSTS AND INVESTMENT COMPANIES (H. DOC. NO. 70)

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, chapter VI of the Commission's report on its study of investment trusts and investment companies, which, with the accompanying report, was referred to the Committee on Interstate Commerce.

ALIENS EMPLOYED UNDER GOVERNMENTAL AGENCIES

The PRESIDENT pro tempore laid before the Senate letters from the Chairmen of the Securities and Exchange Commission and the Federal Deposit Insurance Corporation, re-

sponding to Senate Resolution 285, agreed to June 8, 1938, pertaining to aliens employed by the Commission and the Corporation, which were referred to the Committee on Education and Labor.

The PRESIDENT pro tempore also laid before the Senate letters from the Acting Director of the Bureau of the Budget, the Chairman of the Interstate Commerce Commission, the Secretary of the Smithsonian Institution, the Chairman of the National Resources Committee, and the Administrators of the Federal Housing Administration and the Rural Electrification Administration, responding to Senate Resolution 285, agreed to June 8, 1938, and stating that no aliens are employed in the bureaus, commissions, corporations, etc., under their jurisdiction, which were referred to the Committee on Education and Labor.

REPORTS OF PUBLIC UTILITY COMPANIES OF DISTRICT OF COLUMBIA

The PRESIDENT pro tempore laid before the Senate letters, which, with the accompanying reports, transmitted pursuant to law, were referred to the Committee on the District of Columbia, as follows:

A letter from the president of the Capital Transit Co., transmitting a report covering the operations of the company for the calendar year 1938, with balance sheet as of December 31, 1938;

A letter from the president of the Washington Gas Light Co., transmitting a detailed statement of the business of the company, together with a list of its stockholders, for the year ended December 31, 1938;

A letter from the president of the Washington Railway & Electric Co., transmitting a report of the company for the year ended December 31, 1938; and

A letter from the president of the Potomac Electric Power Co., transmitting a report of the company for the year ended December 31, 1938.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following joint memorial of the Legislature of the State of Colorado, which was ordered to lie on the table:

Senate Joint Memorial 3

Whereas unemployment is still a serious problem in Colorado, in spite of partial recovery; and

Whereas the main responsibility for the relief of unemployment rests with the Federal Government; and

Whereas the Works Progress Administration has in recent months discharged many thousands of workers; and

Whereas, in Colorado alone, more than 5,000 workers have been dropped from the rolls since September 1938; and

Whereas these people are thrown onto the State relief rolls at a time when State funds are practically exhausted, and mothers are asked to rely upon Aid to Dependent Children at a time when A. D. C. funds are likewise exhausted; and

Whereas the State of Colorado is already affording relief to several thousand employable persons who should be on W. P. A.; and

Whereas the curtailment of W. P. A. has left many more thousands of Colorado citizens destitute, and any further curtailment of the program would only aggravate this situation: Now, therefore, be it

Resolved by the Senate of the Thirty-second General Assembly of the State of Colorado (the house of representatives concurring herein), That this general assembly memorialize the United States Congress to approve the \$875,000,000 deficiency appropriation requested by W. P. A., and the \$1,750,000,000 requested to continue the program, without any further curtailment for the next fiscal year; and be it further

Resolved, That this general assembly herewith direct the chief clerk of the senate to immediately send a copy of this memorial to the Seventy-sixth Congress of the United States, and to mail a separate copy to each of the Colorado Senators and Representatives in the aforesaid Congress.

The PRESIDENT pro tempore also laid before the Senate the following concurrent resolution of the Legislature of the State of South Dakota, which was referred to the Committee on Agriculture and Forestry:

Senate Concurrent Resolution 4

Be it resolved by the Senate of the State of South Dakota (the house of representatives concurring):

Whereas the Legislature of the State of South Dakota recognizes that our agricultural problem is our greatest problem, believing that only as farmers prosper can industry and labor prosper, and pledges its support to a national program of farm legislation which will produce parity price and income or cost of production

for that part of our farm production required for domestic consumption; and

Whereas we recognize that the American farmer is entitled to the American market for his products to the full extent of his ability to supply that market on a cost of production basis; and

Whereas bill S. 570, of the Seventy-sixth Congress has been introduced in the Senate, which we believe, if enacted and properly administered, would fulfill these requirements: Therefore be it

Resolved, by the State Legislature of the State of South Dakota now assembled, that we memorialize Congress of the United States to enact S. 570, entitled "A bill to regulate interstate and foreign commerce in agricultural products; to provide for the orderly marketing of such products; to promote the general welfare by assuring an abundant and permanent supply of such products by securing to the producers a minimum price of not less than cost of production, and for other purposes," which bill we believe, if enacted and properly administered, will insure for the farmer parity or cost of production for that part of our farm crops that are consumed within the United States;

That national legislation be enacted to prevent gamblers and speculators from determining the price of the necessities of life;

That we favor the development of industrial uses for farm products as a means of enlarging the American farm market.

Whereas it has been definitely determined that the hog processing tax collected by the Department of Agriculture was actually paid by the farmers themselves; and

Whereas the Supreme Court of the United States, invalidating said Agricultural Adjustment Act, declaring said tax to be illegal and unconstitutional: Be it

Resolved, that we memorialize Congress to refund all such tax to the farmer; be it further

Resolved, that copies of these resolutions be sent to our Senators and Representatives in Congress, to the President of the United States, and to the President of the Senate, and the Speaker of the House of Representatives in the Congress of the United States.

The PRESIDENT pro tempore also laid before the Senate the following resolution of the Assembly of the State of Wisconsin, which was referred to the Committee on Interstate Commerce:

A resolution memorializing the President of the United States to cancel and the Senate not to confirm the appointment of Thomas R. Amlie to the Interstate Commerce Commission

Whereas the President of the United States has, subject to confirmation by the Senate, appointed Thomas R. Amlie, former Congressman from Elkhorn, to the Interstate Commerce Commission; and

Whereas Thomas R. Amlie in recent years has by his public utterances and other expressions of policy aligned himself with the Communist movement in this country; and

Whereas Thomas R. Amlie has given himself considerable notoriety by his sympathy for a foreign element which has been promiscuous in its slaughter of Christians and their Apostles; and

Whereas the name of Thomas R. Amlie appears prominently in the politically notorious register, "Who Is Who in Communism"; and

Whereas as a Congressman from Wisconsin Mr. Amlie cosponsored and supported the Ezekiel plan to "legislate abundance" by Government regulation of industry and taxing nonconformists into submission; and

Whereas Thomas R. Amlie, in his booklet, "The Forgotten Man," released June 27, 1935, on pages 98, 103, and 110, advocated scrapping of our Federal Constitution, a completely new social order, creating of a great central authority, without checks or balances, to run our industry and placing all men in equal economic status; and

Whereas appointment of Thomas R. Amlie to the Interstate Commerce Commission would be a severe blow to democratic government in this United States and dangerous to our American institutions and industries: Now, therefore, be it

Resolved by the assembly, That this legislature respectfully memorializes the President of the United States to withdraw and cancel and the Senate of the United States not to confirm the appointment of Thomas R. Amlie to the Interstate Commerce Commission; and be it further

Resolved, That duly attested copies of this resolution be sent to the President of the United States, to the United States Senate, and to each Wisconsin Member thereof.

Adopted: Ayes 59; noes 29.

The PRESIDENT pro tempore also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on the Judiciary:

House Joint Memorial 1

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Fortieth Legislative Assembly of the State of Oregon, convened in regular session, respectfully represent that:

Whereas, pursuant to the provisions of section 1 of article IV of the Constitution of Oregon, there was approved by the legal voters

of the State of Oregon at the regular general election held on the 8th day of November, A. D. 1938, an initiative measure, entitled "A bill for an act authorizing and directing the Legislature of the State of Oregon to apply to the Congress of the United States for a convention to propose the philosophy and principles of the Townsend national recovery plan as an amendment to the Federal Constitution," which measure so adopted reads as follows:

"Be it enacted by the people of the State of Oregon:

"SECTION 1. The Legislature of the State of Oregon is hereby authorized and directed to make application to the Congress of the United States, not later than March 1, 1939, for the calling by the Congress, pursuant to the provisions of article V of the Constitution of the United States, of a national convention for proposing an amendment to the said Constitution to provide for the establishment and operation of the philosophy and principles of the Townsend national recovery plan, otherwise known and described as the proposed General Welfare Act of 1937 (H. R. 4199)"; and

Whereas, pursuant to the vote of the people and the laws of the State of Oregon, the Governor of the State of Oregon did, by proclamation made on the 1st day of December, A. D. 1938, give the whole number of votes cast in the State for and against the said measure, and declared said measure approved by majority of those voting thereon to be in full force and effect as the law of the State of Oregon from the date of said proclamation: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein), That, in accordance with the direction of said initiative measure, the Legislature of the State of Oregon hereby does by this joint memorial make application to the Congress of the United States to call a national convention, pursuant to the provisions of article V of the Constitution of the United States, for the purpose of proposing an amendment to the said Constitution to provide for the establishment and operation of the philosophy and principles of the Townsend national recovery plan, otherwise known and described as the proposed General Welfare Act of 1937 (H. R. 4199).

Resolved, That a certified copy of this joint memorial be sent forthwith to the President of the United States and the President of the United States Senate, the Speaker of the House of Representatives, and to each of the Members of the congressional delegation from the State of Oregon, and that the secretary of state hereby is instructed to transmit the same.

The PRESIDENT pro tempore also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Finance:

Senate Joint Memorial 1

Resolution memorializing the Congress of the United States for the passage of legislation prohibiting the importation of foreign-manufactured United States flags and other national insignia sufficiently to protect their manufacture in the United States

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas the United States flags and other national insignia are being manufactured and imported from foreign countries; and

Whereas this practice is detrimental to our manufacturers of these flags and national insignia and contrary to the theory of our national Americanism: Now, therefore, be it

Resolved by the Senate of the State of Montana (the house of representatives concurring), that we do hereby petition the Congress of the United States of America for the passage of legislation prohibiting the importation of foreign manufactured United States flags and other national insignia; be it further

Resolved, That a copy of this memorial be transmitted by the secretary of the State of Montana to the Senate and House of Representatives of the Congress of the United States and to the Senators and Representatives in Congress from the State of Montana, and that they and each of them be requested to use all honorable means within their power to bring about such legislation.

The PRESIDENT pro tempore also laid before the Senate the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Finance:

Senate Concurrent Resolution 18

Townsend recovery plan

Be it resolved, by the Senate of the State of North Dakota (the house of representatives concurring therein):

Whereas many of our aged people are dependent upon the Government for food, clothing, and shelter, and many more are dreading the day when they will be forced from the pay rolls of industry and swell the throng of dependents; and

Whereas many of our young people in the prime of life are unable to secure employment; and

Whereas many of our middle-aged people, who are employed, are afraid of losing their jobs; and

Whereas as a result of the above-mentioned facts the vast majority of our population are living in a state of fear, and as fear is the greatest dictator in the world today and to a large extent is responsible for the increase of insanity, vice, and crime: Now, therefore, be it

Resolved, That the Senators and Representatives of the State of North Dakota, in the Congress of the United States, be, and hereby

are, requested to take such necessary steps as will insure the immediate passage of the aforesaid Townsend recovery plan bill, and that copies of this memorial be forwarded forthwith to the President of the United States, to the President of the Senate, and to the Speaker of the House of Representatives of the Congress of the United States.

The PRESIDENT pro tempore also laid before the Senate the following concurrent resolutions of the Legislature of the State of North Dakota, which were referred to the Committee on Agriculture and Forestry:

Senate Concurrent Resolution 20

Establishment of prices on farm products equal to the cost of production

Be it resolved by the Senate of the State of North Dakota (the house of representatives concurring)—

Whereas the farmers of the United States, by producing the food products of the Nation, are rendering society a greater service than any other group of citizens; and

Whereas, in producing the wealth which sustains life, the producers are forced to work long days and are deprived of the luxuries enjoyed by other professions; and

Whereas the Federal Government has seen fit to allow the importation of millions upon millions of dollars' worth of the products of the farm—in fact, it would require many millions of acres of American soil to produce this amount of agricultural products; and

Whereas many thousands of farm homes have been lost through mortgage foreclosures, tax deeds, and otherwise; and

Whereas the causes of this condition in our farming industry are drought, importation of farm products, and prices that are far below the cost of production: Now, therefore, be it

Resolved by the Senate of the State of North Dakota (the house of representatives concurring), That this Legislative Assembly of North Dakota respectfully memorialize the Congress of the United States to establish prices on all major products of the farms of this Nation that will give the owners and tillers of these farms the cost of production; and be it further

Resolved, That attested copies of this resolution be sent to both Houses of the Congress of the United States, to each of the Members thereof from this State, and to the Secretary of Agriculture, all of Washington, D. C.

Senate Concurrent Resolution 31

Establishment of work projects

Be it resolved by the Senate of the State of North Dakota (the house of representatives concurring therein):

Whereas North Dakota has suffered many years of crop failures as a result of droughts, grasshoppers, rust, and other causes; and

Whereas as a result of such failures the farmers have been obliged to secure large loans for feed and seed; and

Whereas such obligations, added to their other indebtedness, is a burden which they are unable to bear and causing many of them to leave their farms only to swell the throng of the unemployed; and

Whereas there exists a willingness on the part of borrower to pay such loans by working on projects approved by the Federal Government: Now, therefore, be it

Resolved by the Senate of the State of North Dakota (the house of representatives concurring), That they urge the Congress of the United States to establish work projects whereby the farmers will be able to pay said loans in the same manner as grants made by the Farm Security Administration; be it further

Resolved, That certified copies of this resolution be forwarded to the President of the United States Senate, to the Speaker of the House of Representatives, and to the members of the North Dakota delegation in Congress.

The PRESIDENT pro tempore also laid before the Senate the following joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Finance:

A joint memorial memorializing the Congress of the United States of America to consider and act upon proposed Federal legislation related to the Townsend plan.

Whereas there is now pending or will be pending in the current session of the Congress of the United States of America proposed legislation embodying essential principles of the so-called Townsend plan, in which thousands of Wyoming citizens are keenly interested: Now, therefore, be it

Resolved by the Senate of the State of Wyoming (the house of representatives concurring), That the Congress aforesaid be, and it is hereby memorialized to promptly, diligently, and fairly consider and act upon at said session by its legislative branches as such and not merely in committee, the proposed legislation aforesaid; and be it further

Resolved, That certified copies hereof be promptly transmitted to the President and Vice President of said United States, the Speaker of the House of Representatives of said Congress, United States Senator JOSEPH C. O'MAHONEY, United States Senator HARRY H. SCHWARTZ, and Representative FRANK O. HORTON.

The PRESIDENT pro tempore also laid before the Senate the following joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Public Lands and Surveys:

A joint memorial memorializing the Congress of the United States to defeat any legislation providing for the purchase or acceptance as a gift by the United States, or any of its agencies, of privately owned lands in Teton County, Wyo.

Whereas there is now pending in the Congress of the United States legislation providing for the acquiring of certain lands in Teton County, Wyo., and providing for the extension of the Grand Teton National Park, by transferring from private ownership to the ownership of the United States, large tracts of land in Teton County, Wyo.; and

Whereas the transfer of such privately owned lands to the United States Government would remove said lands from the assessment roll of said Teton County and would exempt the same from taxation; and

Whereas Teton County, Wyo., as now organized has within its borders, privately owned property subject to taxation of a value of approximately \$2,200,000; and

Whereas if the boundaries of the Grand Teton National Park should be extended as provided in said legislation, Teton County, Wyo., would be unable to continue to function as a county; and

Whereas a large part of the big game hunting areas of the State of Wyoming lie within the boundaries of the proposed extension, as well as a large part of the game and fish of the State of Wyoming inhabiting the areas involved; and

Whereas such park extension would be detrimental not only to Teton County, Wyo., but as well to the large number of sportsmen who, annually, pay large sums of money into various trade channels for the privilege of hunting and fishing in the areas involved: Now, therefore, be it

Resolved by the House of Representatives of the State of Wyoming (the senate concurring), That the Congress of the United States be, and it is hereby memorialized to defeat and reject any legislation which would remove from private ownership any lands now subject to taxation in Teton County, Wyo.; and be it further

Resolved, That certified copies of this memorial be sent to the President of the United States Senate and the Speaker of the House of Representatives, and to United States Senators JOSEPH C. O'MAHONEY and H. H. SCHWARTZ, and to Congressman FRANK O. HORTON.

The PRESIDENT pro tempore also laid before the Senate a resolution adopted by the Council of the City of Binghamton, N. Y., approving the proposed division of responsibility as to cost in the construction, maintenance, and operation of municipal airports and the suggested assumption of responsibility by the Federal Government in accordance with the plan by the United States Conference of Mayors, which was referred to the Committee on Commerce.

He also laid before the Senate resolutions adopted by the New Theater of Philadelphia, Pa., affiliated with the New Theater League, and White Motor Local, No. 32, International Union of United Automobile Workers of America, of Cleveland, Ohio, favoring the allotment of sufficient funds to continue the investigation of the subcommittee of the Committee on Education and Labor pertaining to the violation of civil liberties, etc., which were referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

He also laid before the Senate a telegram in the nature of a petition from Elizabeth N. Baker, of Coatesville, Pa., praying for preservation of the existing neutrality law, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by the United Church Brotherhood, of Long Beach, Calif., favoring the stoppage of the shipment of war supplies and equipment to Japan during the continuance of its Chinese operations, which was referred to the Committee on Foreign Relations.

He also laid before the Senate petitions, numerously signed, of sundry citizens of Puerto Rico, praying that the United States adhere to the general policy of neutrality and to extend the neutrality law to include civil as well as international conflicts, which were referred to the Committee on Foreign Relations.

He also laid before the Senate, petitions of sundry citizens of the State of California, praying for enactment of general welfare legislation providing old-age assistance, which were referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by Division No. 359, train-service employees, of Nevada, Mo., protesting against the enactment of legislation to regulate the mileage of train-service employees, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate a resolution adopted by the board of supervisors of the county of Los Angeles, Calif., favoring the enactment of legislation to provide for the creation of a national park in the Kings River Canyon, and also to provide for the acquisition of additional lands for the Sequoia National Park, which was referred to the Committee on Public Lands and Surveys.

He also laid before the Senate a letter in the nature of a petition from John D. Montgomery, of Philadelphia, Pa., praying for an investigation as to alleged unscrupulous and discriminatory practices in connection with Federal employees in the city of Philadelphia, which, with the accompanying paper, was referred to the Special Committee to Investigate the Civil Service System.

He also laid before the Senate a resolution adopted by the board of supervisors of Milwaukee County, Wis., favoring the appropriation of \$875,000,000 to carry on the W. P. A. program for the remainder of the present fiscal year, which was ordered to lie on the table.

Mrs. CARAWAY presented the following concurrent resolution of the Legislature of the State of Arkansas, which was referred to the Committee on Commerce:

House Concurrent Resolution 5

Whereas it has been called to the attention of the membership of the Senate of the State of Arkansas and the House of Representatives of the State of Arkansas that contractors are refusing to employ Arkansas citizens in the construction of the bridge across the Mississippi River, known as the Greenville-Lake Village bridge;

Whereas the refusal of said contractors to place Arkansas citizens in the various positions and to employ Arkansas labor used in the construction of said bridge is a gross discrimination against this State and the citizenship of this State, and has created a situation that should be remedied at once: Now, therefore, be it

Resolved, That the Senate and House of Representatives of the State of Arkansas (both branches concurring therein), call upon their Senators and Representatives in the Congress to place those facts before the proper Federal authorities so that the various positions and labor connected with the construction of said bridge may be equally divided between the States of Mississippi and Arkansas; and be it further

Resolved, That copies of this resolution be spread on the journals of the Senate and House of Representatives of the State of Arkansas and copies be mailed the Senators and Representatives in the National Congress from Arkansas and the Governor of the State of Mississippi.

Mrs. CARAWAY also presented the following concurrent resolution of the Legislature of the State of Arkansas, which was referred to the Committee on Education and Labor:

House Concurrent Resolution 1

Whereas the problem of providing a high standard of common-school education in Arkansas has been a perplexing and difficult problem in Arkansas for many years; and

Whereas it is found to be a fact by the National Education Association that Arkansas ranks very low in the wealth per child of school age. The natural result of this condition is a heavy burden of taxation on the individual citizen of this State for school purposes; nevertheless, the results in the form of common-school opportunities for the children of Arkansas do not compare favorably with States that have a greater per capita wealth and a larger income.

Whereas the citizenship of Arkansas rightfully demands that its youth be afforded the same opportunity of a common-school education as the youth of the average State in the Union: Therefore, be it

Resolved by the house of representatives of the fifty-second general assembly (the senate concurring therein), That this representative group of Arkansas citizens hereby petition the United States Congress to enact legislation similar to the Harrison-Fletcher-Thomas bill (3-419) submitted to the Seventy-fifth Congress, which shall have for its purpose the inauguration of a broad national program for a more equal distribution of educational opportunities for the youth of all the States; and be it further

Resolved, That copies of this resolution be forwarded to each Member of the present Arkansas congressional delegation and to His Excellency, the President of the United States, Hon. Franklin D. Roosevelt, and to the United States Commissioner of Education, Hon. John W. Studebaker, in Washington, D. C.

Mrs. CARAWAY also presented the following concurrent resolution and joint memorials of the Legislature of the

State of Arkansas, which were referred to the Committee on Finance:

House Concurrent Memorial Resolution 1

Memorial to the Congress of the United States of America to amend House Resolution 7260 of Seventy-fourth Congress

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the members of the Fifty-second General Assembly of the State of Arkansas (the senate and house concurring), respectfully represent that—

Whereas the problem of providing any amount whatever for old-age assistance in Arkansas has been a serious and difficult proposition; and

Whereas it is a fact that Arkansas ranks very low among the States of the Union in per capita wealth; and

Whereas the citizenship of Arkansas respectfully demand that the aged needy individuals here should be permitted to receive the same opportunity of old-age assistance as the aged persons of the other States where larger incomes are found: Now, therefore, be it

Resolved by the house of representatives of the fifty-second general assembly (the senate concurring therein), That this representative group of Arkansas citizenship hereby petition the United States Congress to amend House bill 7260 of the Seventy-fourth Congress under title 1, "Grants to States for old-age assistance," whereby paragraph (a) under section 3 thereof shall read as follows:

"From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing July 1, 1935—

"(1) An amount, which shall be used exclusively as old-age assistance, equal to one-half of the total of the sums expended during such quarter as old-age assistance under the State plan with respect to each individual who at the time of such expenditure is 65 years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any individual for any month as exceeds \$30: *Provided*, Any State that does not have financial resources sufficient to cope with the plan above set forth, shall receive the sum of \$15 per month for every aged person 65 or older notwithstanding the State's inability to match this sum.

"(2) Five percent of such amount, which shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose"; and be it further

Resolved that copies of this resolution shall be forwarded to each member of Arkansas' congressional delegation and to His Excellency, the President of the United States, Hon. Franklin D. Roosevelt, in Washington, D. C.

House Joint Memorial 2

Be it resolved by the House of Representatives of the State of Arkansas (a majority of all members elected to each house concurring therein):

Whereas our distinguished United States Senator of the State of Arkansas, HATTIE CARAWAY, is now sponsoring a bill providing for an old-age pension for \$15 per month without being matched by a State fund;

Whereas the State of Arkansas is unable to match the funds in full; and

Whereas a great number of people of this State who can qualify under the provision of this receive the old-age assistance are not receiving the national relief that they are justly entitled to: Now be it

Resolved, That the Fifty-second General Assembly of the State of Arkansas, and the senate concurring thereto, do hereby go on record approving a bill that will pay at least \$15 per month to the old people of the State of Arkansas, and that said State shall not be required to match all of said funds. A copy of this memorial shall be sent to each Member in Congress and to our junior Senator, JOHN E. MILLER, Washington, D. C.

Mr. MALONEY presented petitions of the Children of Mary Sodality, St. Mary's Church, and the Daughters of Isabella, of Meriden; St. Rose's Men's Society and St. Mary's Men's Club, of East Hartford; Court Reina Christina, No. 51, Catholic Daughters of America, of Bridgeport; Marquette Council, No. 245, Knights of Columbus, of Ridgefield, and sundry citizens, all in the State of Connecticut, praying that the United States adhere to the general policy of neutrality and remonstrating against lifting the embargo on the shipment of arms and munitions to Spain, which were referred to the Committee on Foreign Relations.

Mr. REED presented a petition of 34 citizens of Cheney, Kans., praying that the United States stop the shipment of arms and munitions to Japan, which was referred to the Committee on Foreign Relations.

He also presented petitions of 76 citizens of St. Marys, Kans., praying that the embargo on the shipment of arms and munitions to Spain be not lifted, which were referred to the Committee on Foreign Relations.

He also presented petitions of 11 citizens of Leavenworth, 66 citizens of Wichita, and 56 other citizens, all in the State of Kansas, praying that the United States retain the neutrality principle as enunciated in existing law and extend the law to include civil as well as international conflicts, which were referred to the Committee on Foreign Relations.

Mr. TYDINGS presented a resolution adopted by the Parent-Teacher Association of McKinley High School, Washington, D. C., favoring the making of deficiency appropriations for heating and lighting school buildings and also for the salaries of teachers in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Baltimore, Md., remonstrating against the shipment of war materials and supplies to Japan, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Baltimore, Md., praying that the United States adhere to the general policy of neutrality as enunciated in existing law, and extend the original law to include civil as well as international conflicts, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against lifting the embargo on the shipment of arms and munitions to Spain, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Takoma Park (Md.) Post, No. 28, of the American Legion, favoring the making of further provision to care for the interests of needy veterans, which was referred to the Committee on Finance.

Mr. MINTON. Mr. President, I present numerous petitions from citizens of Indiana concerning the neutrality law, and I ask that the petitions be noted in the RECORD and referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The petitions will be noted in the RECORD and referred as requested by the Senator from Indiana.

(The petitions presented by Mr. MINTON and referred to the Committee on Foreign Relations are numerous signed by sundry citizens of the State of Indiana, and pray that the United States adhere to the general policy of neutrality as provided by law, and also extend the neutrality law to include civil as well as international conflicts.)

Mr. AUSTIN. Mr. President, I send to the desk and ask to have noted in the RECORD, and properly referred, several petitions signed by citizens of Vermont. Among those signing are the Reverend C. L. Pontbriand; James E. Kennedy, a State senator; Mrs. B. A. Stone; and Mrs. A. B. Rugg.

I have received great numbers of letters and telegrams separately dealing with the subject of neutrality and our foreign policy.

The PRESIDENT pro tempore. The petitions will be noted in the RECORD and appropriately referred.

(The petitions presented by Mr. AUSTIN and referred to the Committee on Foreign Relations are numerous signed by sundry citizens of Essex Junction and vicinity, Vt., and pray that the United States adhere to the policy of neutrality as enunciated in existing law and extend the original law so as to include civil as well as international conflicts.)

AMERICA'S FOREIGN POLICY—SECRECY OF COMMITTEE HEARINGS

Mr. AUSTIN. Mr. President, if it does not seem to be improper to say so, I should like to express the opinion that the citizens of this country are entitled to know what progress the Congress is making in its study of foreign policy, of national defense, and of neutrality. I humbly express the opinion that we ought henceforth to open the doors to the press so that there may be an informed public, which is absolutely essential to the vigor of any foreign policy of the United States, a country which draws its strength from many racial stocks, and has many connections with foreign countries by ties which are of the closest nature. Any foreign policy at which we may arrive ultimately by virtue of the study we are making will have little

vigor if our public is not kept up with us as we proceed in our study.

We do not need to burn our bridges. We do not need to cripple ourselves in the study of these great problems today by opening the doors and letting the public know the progress of our study. If there are military secrets to be preserved, they can readily be protected by a rule of the committees that a witness may merely state that an answer to any particular question would lead to the disclosure of secret information, and ask the question be excluded for the time being, to be taken up later in secret session.

I submit to the Senate that we ought to consider opening up the doors of the Military Affairs Committee of the Senate in the further proceedings relating to national defense, involving as it does the whole broad subject of our foreign policy.

RESOLUTIONS OF MINING ASSOCIATION OF MONTANA

Mr. PITTMAN presented resolutions adopted by the Mining Association of Montana, at Helena, Mont., which were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolutions passed by the Mining Association of Montana at Helena, January 24, 1939

SILVER

First. Whereas a bill has been presented in the Senate of the United States Congress to provide for the continuation of the purchase of newly mined domestic silver and at a price of \$1.29 per ounce, and for the discontinuation of the purchase of any foreign-mined silver at any price; and

Whereas the Mining Association of Montana, assembled in semi-annual meeting at Helena, Mont., this 24th day of January 1939, has gone on record as being unalterably opposed to the purchase by the United States Government of any foreign-mined silver, except on a barter basis as advocated by Senator KEY PITTMAN, and as being unanimously in favor of the continuation of the purchase by the Government of all domestic newly mined silver, preferably at a fixed ratio to gold, and in any event at a price of not less than \$1.29 per ounce of silver;

Now, therefore, the Mining Association of Montana does hereby go on record as advocating the silver-purchase program of the Honorable KEY PITTMAN, Senator from Nevada, as expressed in his bill before the Senate of the United States Congress; and as requesting its officers to transmit a copy of this resolution to the Honorable KEY PITTMAN and to each of the United States Senators from the Western States, as well as to the Montana Members of the House of Representatives in the Congress.

SOCIAL SECURITY

Second. Whereas the social-security taxes for old age and unemployment which are now paid by the employers of mining labor in the State of Montana are not deductible as allowable deductions of expense on the tax returns prepared by such employers for the net proceeds of mines taxes; and

Whereas the said social security taxes and other taxes which may be based on the mining pay rolls are properly deductible from the net proceeds of mines tax returns as valid and proper items of expense in the conduct of mining operations of every character: Now, therefore, be it

Resolved, That the Mining Association of Montana, assembled in semiannual meeting in Helena, on this 24th day of January 1939, does hereby memorialize the Legislature of the State of Montana to provide for enabling legislation which will permit of the deduction of all social security and other pay roll taxes which are paid by employers of mining labor from the net proceeds of mines taxes, as now required and filed, and the said association does hereby direct its proper officers to present this memorial to each of the houses of the legislature as now convened.

RECIPROCAL-TRADE AGREEMENTS

Third. *Be it resolved*, That, because of the great difference between the domestic and foreign industry as regards the cost of production of copper, lead, and zinc, the Mining Association of Montana is strongly opposed to any further reduction in the present tariff protection of these metals, their ores, concentrates, or finished products in any reciprocal-trade agreements which the United States may enter into with foreign countries.

In this connection, we desire to call attention to the sharp drop in the domestic price of zinc which followed the announcement of the reciprocal-trade agreement with the British Empire, which drop in price has resulted in the recent curtailment of zinc production and employment therein in the State of Montana.

The Mining Association of Montana highly commends Senator B. K. WHEELER for the recent action he has taken toward correcting this situation.

MINE ROADS

Fourth. Whereas there is an urgent need for mine-to-market roads, the Mining Association of Montana strongly recommends that the National Congress appropriate additional funds to the

National Forest Service, such funds to be earmarked and to be used only for building roads in the national forests, for the mutual benefit both of the Forest Service and the mining districts located within the national forests. In this connection, the Mining Association of Montana unanimously endorses Senator WHEELER's recently introduced bill, providing for mineral examination of the national forests by the United States Forest Service and the construction of roads for the proper development and exploration of mineral areas therein.

STRATEGIC MINERALS—MANGANESE

Fifth. Whereas there have now been introduced in the Senate and House of Representatives of the Congress of the United States the following bills, to wit: In the Senate the Thomas bill (S. 572), and in the House, the Scrugham bill (H. R. 2556), the Smith bill (H. R. 1987), the Faddis bill (H. R. 2643), and the May bill (H. R. —) providing for the purchase of strategic material and minerals, including manganese; and

Whereas these proposed measures should provide that a preference should be given to the purchase of domestic ores and minerals insofar as possible: Now, therefore, be it

Resolved by the Mining Association of Montana, now in session at Helena, Mont. (January 24, 1939). That our Senators be requested to appear before the Military Affairs Committee of the Senate to see that a bill be passed providing for the purchase of manganese and other strategic materials, which shall definitely state that the purpose of the bill and the will and intent of Congress is to encourage, wherever possible, the further development of the strategic mineral resources of the United States, as well as to accumulate stock piles; and be it further

Resolved. That we request our representatives to appear before the Military Affairs Committee of the House and urge that the aforementioned Scrugham bill, or one similar thereto, be passed in its present form, and that no substitutions which would allow the purchase of foreign materials be considered when it is possible to buy the materials from domestic production, and be it further:

Resolved. That in any bills that pass either the House or Senate, or both, it shall be definitely stated that preference be given to the purchase of minerals and materials of domestic origin, to such extent as the same may be available in the United States, with reasonable time to be allowed for production and delivery.

Resolutions Committee: Stanley R. Moore, chairman, Wilborn, Mont.; J. D. MacKenzie, East Helena; John Hickey, Philipsburg; J. C. Harrah, Philipsburg; J. C. Yob, Philipsburg; John H. Cole, Anaconda; J. Jensen, Missoula; R. B. Caswell, Dillon; J. H. McLean, Jr., Lewistown; R. B. Gill, Butte; C. R. Brazier, Helena; Harry C. Bacorn, Cable; Frank E. Blair, Virginia City; Carl J. Trauerman, president, Butte, ex-officio; August Grunert, secretary, Butte, ex-officio; Alex Leggatt, Butte; Edward Shea, Butte; Leslie Taylor, Butte; Harry S. Whitcomb, Zortman; H. K. Gaw, Jr., Helena; Lars Carlson, Helena; Roberta Wegener, Whitehall; Joseph Lancaster, Nelhart; William Logan, Dillon; John Collins, Dillon; James E. Kelley, Dillon; F. W. Bleck, Virginia City; C. T. Pederson, Pony.

RESOLUTIONS OF ASSOCIATION OF WESTERN STATES ENGINEERS

Mr. KING. Mr. President, recently there was held in the city of Phoenix, Ariz., a meeting or conference of engineers of the Western States at which a number of resolutions were adopted which materially affect or relate to matters connected with irrigation, mining, and other questions in which the West is particularly interested.

I ask unanimous consent that there may be inserted in the RECORD a letter addressed to me by the State engineer of Utah, transmitting the resolutions which were adopted at the conference referred to, and that the resolutions may be appropriately referred.

There being no objection, the resolutions were appropriately referred to committees, and the letter was ordered to be printed in the RECORD, as follows:

THE STATE OF UTAH,
OFFICE OF STATE ENGINEER,
Salt Lake City, January 5, 1939.

The Honorable WILLIAM H. KING,
United States Senate, Washington, D. C.

DEAR SENATOR KING: Enclosed herewith please find a set of resolutions, numbered 1 to 7, inclusive, adopted by the Association of Western States Engineers at the Phoenix conference of December 8-10, 1938.

These resolutions represent the thought of the engineers relating the needs of the Western States, particularly with respect to several Federal agencies and laws. Your particular attention is called to Resolution No. 2 relating the creation by Presidential proclamation of national monuments. The method of creating these monuments without first conferring with the officials of the States is ill-advised and engenders ill feelings. A proposed monument which will not bear full investigation and discussion with

officials of the States affected ought not to be created; moreover, it ought not to be created ostensibly for one purpose and used for another, as has been the case in this State.

Yours very truly,

T. H. HUMPHREYS,
State Engineer.

The resolutions accompanying the letter presented by Mr. KING were referred to committees, as follows:

Resolution recommending that the present uncertainty existing in the act of June 28, 1938, concerning the method of maintenance and operation after completion of project constructed thereunder be promptly removed by amendment of the act, etc.; to the Committee on Commerce.

Resolution favoring adequate appropriations to enable the United States Bureau of Reclamation to carry on a comprehensive survey and investigation regarding the development of the Colorado River Basin; to the Committee on Commerce.

Resolution recommending that the act of June 28, 1938, be amended to recognize the value and necessity, in the economic life of the Nation, of the multiple use of reservoir projects, etc.; to the Committee on Commerce.

Resolution recommending that the act of June 28, 1938, be promptly amended to include a provision fully recognizing State water laws and water rights acquired thereunder, etc.; to the Committee on Commerce.

Resolution reasserting the principle that the unappropriated waters of nonnavigable streams are dedicated to the use of the people of the States subject to appropriation, control, and use in accordance with State laws, and that Federal agencies should conform in all respects to the laws of the respective States relating to the control, appropriation, use, or distribution of water for irrigation or any other beneficial use; to the Committee on the Judiciary.

Resolution expressing appreciation for the constructive work being carried out by the Geological Survey in cooperation with the Western States; to the Committee on Public Lands and Surveys.

Resolution declaring that in the future no national park or monument should be created without prior comprehensive study and consideration by all persons and agencies concerned, etc.; to the Committee on Public Lands and Surveys.

Resolution extending a vote of thanks to Governor Stanford, of Arizona, for having appeared before the convention and for the interest shown in its objectives; to the table.

Resolution extending a vote of thanks to the officers and members of the Phoenix Chapter of the American Association of Engineers for their assistance and entertainment; to the table.

Resolution extending appreciation to Governor-elect R. T. Jones and Hon. John R. Murdock, Member of Congress from Arizona, for honoring the association with their presence and the assurance of their interest in its objectives; to the table.

DISTRIBUTION OF SURPLUS AGRICULTURAL PRODUCTS FOR CHILEAN RELIEF

Mr. KING. Mr. President, I received a telegram from the Chamber of Commerce of Salt Lake City this morning recommending, in view of the great tragedy in Chile, that some of the surplus agricultural commodities which the Government has may be distributed to the Red Cross for the relief of those who are suffering in Chile. I ask that the telegram be inserted in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SALT LAKE CITY, UTAH,
January 31, 1939.

Senator WILLIAM H. KING,

Senate Office Building, Washington, D. C.:

At meeting of chamber of commerce today Ben F. Redman proposed and chamber of commerce concurs in the idea now is logical time to develop a real friendship with our South American neighbors by giving to the unfortunate people in Chile some of the tremendous surpluses we now have on hand, particularly our wheat surplus. We are of the opinion this gesture of good will will do more than anything that could possibly be done at this particular time in crystallizing an all-American friendship. If you feel the proposal has merit, would appreciate your promoting it.

GUS P. BACKMAN.

REPORTS OF COMMITTEES DURING ADJOURNMENT

Under authority of the order of the Senate of the 28th ultimo the following reports were submitted on January 30, 1939, during adjournment of the Senate:

Mr. GEORGE, from the Committee on Finance, to which was referred the bill (H. R. 2762) to consolidate and codify the internal-revenue laws of the United States, reported it without amendment and submitted a report (No. 20) thereon.

Mr. McCARRAN, from the Committee on the Judiciary, to which was referred the bill (S. 90) to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes, reported it without amendment and submitted a report (No. 21) thereon.

Mr. PITTMAN, from the Committee on the Judiciary, to which was referred the bill (S. 185) to amend section 224 of the Criminal Code so as to penalize the making of false claims for the loss of insured mail matter, reported it with an amendment and submitted a report (No. 22) thereon.

REPORTS OF COMMITTEES

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the bill (S. 25) prohibiting the operation of motor vehicles in interstate commerce by unlicensed operators, reported it without amendment and submitted a report (No. 23) thereon.

He also, from the same committee, to which was referred the bill (S. 167) to amend clause (4b) of subsection (b) of section 203 of the Motor Carrier Act, 1935, reported it with an amendment and submitted a report (No. 24) thereon.

Mr. VANDENBERG, from the Committee on Commerce, to which was referred the resolution (S. Res. 62) calling for further information from the Federal Power Commission concerning the comparable costs of steam and tidal generated plants on the Passamaquoddy project, reported it without amendment.

REPORT OF RAILROADS, HOLDING COMPANIES, AND AFFILIATED COMPANIES (REPT. NO. 25, PT. 1)

Mr. WHEELER, from the Committee on Interstate Commerce, submitted a preliminary report of the subcommittee of that committee, pursuant to Senate Resolution 71, Seventy-fourth Congress, on reorganization plans as causes of recurrent insolvencies, which was ordered to be printed.

TERM OF SERVICE OF FORMER SENATOR GEORGE L. BERRY (REPT. NO. 26)

Mr. CONNALLY. Mr. President, some time ago the former Senator from Tennessee, Mr. Berry, filed a petition with the Senate in relation to his claim for compensation. The matter was first referred to the Committee on Privileges and Elections, and later referred to the Committee on the Judiciary. From the Committee on the Judiciary I submit a report which I ask unanimous consent to have printed in the RECORD.

The conclusion of the committee is that the former Senator from Tennessee is entitled to compensation only until the date upon which his successor was elected—elected, not qualified. So from the Committee on the Judiciary I report a resolution which I ask to have read at the desk.

The PRESIDENT pro tempore. The clerk will read.

The Chief Clerk read the resolution (S. Res. 73), as follows:

Resolved, That the term of service of George L. Berry, appointed a Senator by the Governor of the State of Tennessee on May 6, 1937, to fill the vacancy in the term ending January 2, 1943, caused by the death of Nathan L. Bachman, expired on November 8, 1938, the day on which his successor, Tom STEWART, was duly elected to fill the unexpired term of the said Nathan L. Bachman.

Resolved further, That said George L. Berry is not entitled to receive compensation as Senator or any of the emoluments of the office from and after the said 8th day of November 1938.

Mr. CONNALLY. Mr. President, since this is a privileged matter, I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. McNARY. Mr. President, I think the resolution should go to the calendar.

Mr. CONNALLY. If there is any objection, I do not wish to press the matter.

Mr. McNARY. I wish it to follow the usual course and go to the calendar.

Mr. CONNALLY. Mr. President, did the Chair put before the Senate the request that the report be printed in the RECORD? I think it is a matter which relates to a rather important aspect of our service here. I should like to have the report printed in the RECORD as well as in the regular form.

The PRESIDENT pro tempore. The Senator will repeat his request.

Mr. CONNALLY. The request is that the report, as submitted, be printed in the CONGRESSIONAL RECORD as well as in the regular report form.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The report as ordered to be printed, and to be printed in the RECORD, is as follows:

Mr. CONNALLY, from the Committee on the Judiciary, reports as follows:

The communication addressed to the Committee on Privileges and Elections of the United States Senate by Hon. George A. Berry, late a United States Senator from the State of Tennessee, was referred by the Senate to the Committee on the Judiciary with instructions to report thereon.

The Committee on the Judiciary held hearings and, since the hearings disclose in detail the issues involved, includes herein a complete transcription of the hearings, as follows:

TERMS OF OFFICE AND SALARIES OF APPOINTEES TO THE SENATE

"UNITED STATES SENATE,

"SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,

"Washington, D. C., January 17, 1939.

"The subcommittee met, pursuant to call, in the committee room, Capitol, at 10 a. m., Senator CARL A. HATCH (chairman) presiding.

"Present: Senators HATCH (chairman) and CONNALLY.

"Present also: Hon. KENNETH MCKELLAR, a Senator from the State of Tennessee.

"Senator HATCH. A petition has been filed by the petitioner herein, which may be incorporated in the record at this point.

"(The document referred to is here set forth in full, as follows:)

"To the Committee on Privileges and Elections of the United States Senate.

"George L. Berry, a citizen and resident of Tennessee, petitioner, v. Charles F. Pace, finance officer of the United States Senate, defendant.

"Comes George L. Berry, petitioner, by attorney and files application with the committee and asks that said committee consider his rights as a member of the United States Senate, which includes the right to be paid the salary of a United States Senator and the right of an office in the Senate Office Building and also the right to sit as a Member of the United States Senate for the period named and outlined in the premises in this petition.

"In support of said application, petitioner makes the following averments and conclusions, to wit:

"1. Petitioner alleges that he became a Member of the United States Senate by appointment of Gordon Browning, Governor of the State of Tennessee, to fill a vacancy.

"2. Petitioner alleges that Gen. Tom Stewart was elected at the November 1938 election to fill said vacancy according to the law governing same.

"3. Petitioner further alleges that the said Gen. Tom Stewart has failed to qualify as a Member of the United States Senate according to the laws thereof.

"4. Petitioner further alleges that the said Gen. Tom Stewart is at the date of filing this petition serving as an attorney general in the eighteenth circuit in the State of Tennessee.

"5. Petitioner alleges that amendment 17 of the United States Constitution provides that the legislature of each State shall have full authority to enact laws governing the filling of vacancies in the United States Senate.

"6. Petitioner further alleges that the law of the State of Tennessee would govern in this case.

"7. Petitioner alleges that the law of Tennessee which would govern in this case is section 1930 of the Code of Tennessee, which states that the appointee holding under an appointment by the Governor to fill a vacancy shall hold office until his successor is elected and qualified.

"8. Petitioner alleges that the finance clerk has refused to pay petitioner his salary since November 8, 1938.

"9. Petitioner offers to submit evidence supporting the allegations of this petition.

"PREMISES CONSIDERED, PETITIONER ASKS

"1. That the committee hereby addressed consider the action of the finance clerk of the Senate.

"2. That said committee recommend to said finance clerk that he rescind his action by failing to pay petitioner and pay him his salary as a Member of the United States Senate.

"3. That said committee recommend to the United States Senate that said petitioner be allowed to act as a Member of said body with all the rights and privileges relative thereto until his successor qualifies.

"Respectfully submitted.

"GEORGE L. BERRY, *Petitioner.*
"By HANSEL PROFFITT, *Attorney.*"

STATEMENT OF HANSEL PROFFITT, COUNSEL FOR PETITIONER

"Senator HATCH. Mr. Proffitt, if you desire to make a statement at this time, you may proceed.

"Mr. PROFFITT. I will not take up very much of your time. I just want to make a brief statement of the facts.

"Senator HATCH. I do not suppose there is any dispute about the facts, but you might state them for the record.

"Mr. PROFFITT. George L. Berry was appointed United States Senator by Gov. Gordon Browning of Tennessee on May 7, 1937, to fill an unexpired term that would end in 1942, caused by the death of Senator Nathan L. Bachman. On November 8, 1938, an election was held in Tennessee, at which time the people voted for a successor to fill this vacancy. In Tennessee the votes at an election are not counted until 2 weeks following the election. Then the returns are sent to Nashville, the capital of Tennessee, and the Governor and attorney general fill out a certificate of election which they send to the Secretary of the Senate, stating who was elected to fill the vacancy. In this case the Governor of Tennessee and the attorney general filled out a certificate for Tom Stewart, stating that the people filled the vacancy up to January 3, 1939.

"Senator CONNALLY. Do you mean the certificate stated that?

"Mr. PROFFITT. Yes. Since the election Tom Stewart has been serving as attorney general of the State of Tennessee for the eighteenth circuit.

"Senator HATCH. You do not mean he is serving today in that capacity, do you?

"Mr. PROFFITT. I believe he is going to resign today.

"Senator HATCH. He took the oath of office in the Senate on yesterday.

"Mr. PROFFITT. My understanding was that he is going to be here today.

"Senator HATCH. He took the oath yesterday.

"Mr. PROFFITT. My contention is that there are two questions involved in this case. The first question is whether Senator Berry can hold up to January 3, 1939. The next question is whether he can hold up until Stewart qualifies. Those are the two questions. There are two questions of law involved.

"Senator CONNALLY. Is not the immediate question here, not the matter of tenure, but the matter of pay? Mr. Stewart has been seated by the Senate.

"Mr. PROFFITT. Yes.

"Senator CONNALLY. The immediate question is whether or not Senator Berry is entitled to draw pay up until the date Senator Stewart qualified, which was on yesterday.

"Mr. PROFFITT. Yes.

"I base my contention upon the seventeenth amendment to the United States Constitution.

"Senator CONNALLY. I suggest that you read that amendment into the record.

"Mr. PROFFITT. (reading):

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct."

"You will note the first clause states:

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies."

"If it ended there and that was all there was to it, Senator Berry would have held until 1942; but we have a qualifying clause, providing that the legislature may empower the executive of such State to make temporary appointments until the people fill the vacancies. The people could not fill the vacancy the day after election, because the votes would not be counted. Suppose both of the Senators from Tennessee had resigned, and the Governor had appointed their successors, and 2 days after the election the President of the United States called an extra session of Congress. The votes would not be counted. No one could be admitted to the Senate, because you would not know who was elected.

"Senator HATCH. You say the people could not have filled the vacancy because the votes would not have been counted. The people would have actually filled the vacancy on election day, but the evidence would not be available until after the votes were counted. It is just a little different from your statement.

"Mr. PROFFITT. The people would fill it at the election as the legislature may direct. I want to read the Tennessee laws. The Legislature of Tennessee, in 1913, about a month after the seventeenth amendment went into effect, passed this law:

"Whenever any vacancy in the office of United States Senator occurs, by which the State would be deprived of its full representation at any time the Congress may be in session prior to the next biennial election, then in such case the Governor is authorized to fill such vacancy by appointment, and such appointee shall hold

office until his successor is elected at the next biennial election and qualifies."

"Of course, Tom Stewart is not trying to get the salary. The Constitution of the State of Tennessee, section 26, article 2, reads as follows:

"Nor shall any person in this State hold more than one lucrative office at the same time."

"My argument is that the office of district attorney general for the State and the office of United States Senator are lucrative offices, according to the Constitution of Tennessee, and on that ground Tom Stewart could not draw salary.

"Senator CONNALLY. Will you read that again?

"Mr. PROFFITT. I will read all of it:

"No judge of any court of law, State's attorney, general register, clerk of any court of record, or person holding any office under the authority of the United States, shall be seated in the general assembly; nor shall any person in this State hold more than one lucrative office at the same time."

"Senator CONNALLY. Suppose you give that full force and effect, how could it affect Federal officers? The first part relates to officers of the United States and the last applies only to State officers.

"Mr. PROFFITT. My contention is that is a different section.

"Senator HATCH. Mr. Stewart is not making any claim to the salary.

"Mr. PROFFITT. No.

"Senator HATCH. This would only affect your claim.

"Mr. PROFFITT. Yes. He is not making any claim.

"Senator CONNALLY. We do not know but what he might file a claim. He may do so.

"Senator HATCH. That is not before us.

"Mr. PROFFITT. That is the Constitution of the State of Tennessee.

"Senator HATCH. He may request pay for election day.

"Senator CONNALLY. Does not that refer only to two State officers? It could not control Federal officers unless it specifically said 'Federal officers.' That is not mentioned.

"Mr. PROFFITT. According to the seventeenth amendment, of course, I suppose there could be more than one interpretation of that. My contention is that it means a person shall hold office until the people fill the vacancy as the legislature shall direct. The Legislature of Tennessee directed that there should be an election in November, and that the person the Governor appointed should hold office until his successor was elected and qualified.

"Senator CONNALLY. Under the seventeenth amendment, is not the power of the legislature restricted to the election, providing how he shall be elected? Does it give the legislature any authority to determine when the term shall begin or end? The legislature has the right to provide the manner and time of the election itself, but is not that the limit of its power?

"Mr. PROFFITT. There could be two interpretations of that. As I said a moment ago, suppose both of the Senators from the State should die or resign. The Governor would issue writs of election to fill the vacancies. Then, suppose 2 days after the election, before the votes were counted, the President of the United States should call an extra session of Congress. In that event, the State would not be represented. It would not have two Senators.

"That is all I wish to offer, but I shall be glad to answer any questions you want to ask.

"Senator HATCH. I do not think I have any questions.

"Senator CONNALLY, do you have any questions to ask?

"Senator CONNALLY. You have referred to the statutes. The financial clerk of the Senate has refused to pay Senator Berry, and as a basis for that refusal he relies upon the statutes of Congress.

"Mr. PROFFITT. I just ask you to consider this question.

"Senator CONNALLY. The statute of Congress provides that the pay of the sitting Senator shall end on the day of the election of his successor.

"Mr. PROFFITT. I contend that that law would be unconstitutional.

"Senator CONNALLY. What do you say to this: Regardless of the term or when it starts, and regardless of the statute of Tennessee which undertakes to fix the term until the successor qualifies, the pay is purely a Federal function. The Federal Government grants the compensation. It could refuse or grant it, as it saw fit, under the Constitution.

"Mr. PROFFITT. Of course, I contend that law is in violation of the seventeenth amendment.

"Senator HATCH. But the other interpretation of the seventeenth amendment, to which Senator CONNALLY referred a moment ago, would make the statute conform to it.

"Mr. PROFFITT. Of course, there are two interpretations there.

"Senator HATCH. There would be no conflict between that interpretation and the statute.

"Senator CONNALLY. My theory is that the power of the legislature is limited to the question of the election.

"Mr. PROFFITT. If the seventeenth amendment vests power in the State legislature, the law of Congress could not take that away.

"Senator CONNALLY. No. It all gets back to the seventeenth amendment to the Constitution.

"Mr. PROFFITT. That is a question of law.

"Senator HATCH. Do you care to file anything else with the committee?

"Mr. PROFFITT. I would like to file a brief. I will file it this afternoon.

"Senator HATCH. It may be incorporated in the record. Have you seen the brief that was prepared here?"

"Mr. PROFFITT. Yes."

"Senator HATCH. Do you have a copy of that?"

"Mr. PROFFITT. Yes."

"Senator HATCH. I suggest that be incorporated in the record also."

"(The document referred to is here set forth in full, as follows:)"

"Memorandum relating to the terms of office and salaries of appointees to the Senate"

"This memorandum is submitted in response to your inquiry concerning the status of a person who received a temporary appointment to the Senate under the authority of the seventeenth amendment following which an election was held to fill the vacancy in the office to which such temporary appointment was made. Two questions of importance are raised which will be discussed in the light of the applicable constitutional and statutory provisions:

"First. Does the term of office of a Senator so appointed expire on the day that a person is elected to fill the vacancy in the office to which such Senator was appointed, or only when the person so elected appears before the Senate with the proper credentials and qualifies as a Senator?"

"Second. Does the compensation of a Senator so appointed cease on the day such election is held or only when the person so elected has qualified as a Senator?"

"I

"Upon the ratification of the seventeenth amendment by the State of Connecticut on April 8, 1913, the present provisions for the election of Senators by popular vote were substituted for the original provisions of the Constitution under which Senators were elected by the legislatures of the several States. The amendment reads as follows:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

"It seems clear from the language of the amendment itself, without regard to any other sources which might be used to aid in determining the intent, that its dominant purpose was to insure that the States be represented in the Senate by persons elected by the people. It seems equally clear that elections for such purpose are to be held not only in cases where the 6-year term of a Senator is about to expire, but also where a vacancy has been created by the death, resignation, or removal of a Senator prior to the expiration of his full term since the executive authority of a State is required to 'issue writs of election to fill such vacancies.' However, the inclusion of the provisions relating to vacancies under which the executive authority of a State may be authorized by the legislature 'to make temporary appointments until the people fill the vacancies by election as the legislature may direct' gives rise to a number of problems which have a direct bearing upon the status of an appointed Senator after such an election has been held.

"In the first place, it is not entirely clear how the language 'as the legislature may direct' is to be construed, and it is at least susceptible of more than one interpretation. It might be argued, for example, that a broad power was thus granted to the legislature of each State not only with respect to the time, manner, and place of holding such elections but also with respect to the manner of filling the vacancies after an election has been held and the terms for which temporary appointments are to be made. It is not believed that this construction is justified when it is recalled that the main purpose of the amendment was to deprive the legislatures of their power of electing Senators. Moreover, if such a construction were to prevail it is conceivable that the purpose of the amendment might be defeated by legislative provisions which would postpone for several years the holding of elections to fill such vacancies or which would authorize the Governor to make senatorial appointments which would expire but a short time before the end of the terms for which their predecessors were elected. Consequently, a more reasonable interpretation of the language 'as the legislature may direct' would confine it to providing for the circumstances under which the elections to fill such vacancies are to be held, with the result that it would correspond more closely to the provisions of Article I, Section 4, of the Constitution under which the legislatures of the several States are to prescribe merely the times, places, and manner of holding congressional elections, subject to certain modifications which the Congress may make.

"A more serious problem arises in connection with the language which authorizes temporary appointments 'until the people fill the vacancies by election.' The vacancies referred to are obviously those created by the death, resignation, or removal of the Senators who preceded the appointees. Here again more than one interpretation of the language quoted is possible, especially in view of the fact that

in the ordinary case a vacancy in an office is considered to be filled only when the person selected to fill the vacancy has been duly qualified and has assumed the duties of the office. It may be argued, therefore, with some plausibility that the language above referred to should be construed to mean that a temporary appointment to the Senate may be made which will expire only after the people at an election have elected a person to fill the existing vacancy and such person has qualified as a Senator by taking the oath of office and entering upon the duties of such office.

"In spite of the fact that the legislatures in a number of States have apparently assumed that this is the correct interpretation and have authorized the Governors thereof to make temporary senatorial appointments which will expire when their successors have been 'elected and qualified' it seems rather unlikely that such 'temporary' appointments were intended to extend as far as that when the general purpose of the amendment is considered. If this had been the intention, it is reasonable to assume that it would have been more clearly stated and not left to mere inference. Furthermore, the emphasis placed upon the duty of the executive authority to issue writs of election 'to fill such vacancies' and upon the making of temporary appointments until the people 'fill such vacancies by election' would tend to negative any such interpretation. In addition, in view of the general purpose of providing for representation in the Senate by persons elected by popular vote both for full terms and for unexpired terms it seems reasonable to assume that no temporary appointment was to be authorized except for the intervening period between the creation of a vacancy and the day when the people by their votes actually elect a successor, or, in other words, until they elect a person to fill the vacancy. If the Senate subsequently refused to permit the person so elected to take his seat, or such person died or resigned either before or after he took the oath of office, there would then be a vacancy to which a temporary appointment might be made.

"It is submitted that this interpretation is more in harmony with the spirit of the amendment, since it makes the action of the people in electing a successor the determining factor with respect to the duration of a temporary appointment to the Senate. Unfortunately, there seems to have been no discussion of this particular matter on the floor of either House when the seventeenth amendment was proposed, but the interpretation which has been suggested as being the most consistent with the purposes of the amendment is supported by the subsequent statements of at least two Senators who were in Congress at the time and by an opinion by Vice President Marshall.

"On October 15, 1918, the Vice President addressed the following letter to the financial clerk of the Senate:

"THE VICE PRESIDENT'S CHAMBER,

"Washington, October 15, 1918.

"CHARLES F. PACE,

"Financial Secretary, United States Senate.

"MY DEAR MR. PACE:

"In response to your inquiry as to the tenure of office of temporary appointment of Senators by the Governors of the several States, I have the honor to give you the following opinion:

"The supreme law of the land upon this question is the seventeenth amendment to the Constitution of the United States. Neither Congress nor the general assembly of any State of this Union can add to or take therefrom. The portion of the seventeenth amendment which has to do with this question reads as follows:

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct."

"To my mind this clause authorizes the legislature of any State to empower the executive to make a temporary appointment until an election; that the legislature could either provide for a special election to take place within a reasonable time, or a fair construction of the constitutional provision would permit the legislature to delay the election until the next general election in the State.

"It may be contended with some plausibility that the election might be postponed until the expiration of the term of the Senator whose death occasioned the temporary appointment. Personally, I do not so believe, nor is it needful under present circumstances to express an opinion upon this subject.

"The tenure of office of those holding temporary appointments in the United States runs until the people have filled the vacancies by election, as the legislature may direct. In all cases now under consideration the people will vote for United States Senators to fill the vacancies now being filled by these temporary appointments upon the 5th day of November next. The sole question for determination is, therefore, What constitutes an election?"

"The phraseology of the Constitution of the United States is radically different from that of many of the Commonwealths. Numerous State constitutions provide a tenure of office and then add that the incumbent shall hold the office for that period of time and until his successor is elected and qualified. In the seventeenth amendment to the Constitution of the United States nothing is said about holding beyond the election.

"In the absence of disqualification to hold office, Senators will be elected on the 5th day of November next. They may be compelled to run the gamut of executive, administrative, judicial, and senatorial investigation before they are entitled to qualify

and take their seats as Members of the United States Senate. They may fail to even reach the coveted positions. Equitably, it would seem that the present incumbents ought to be permitted to hold until the successors elected on the 5th of November have been sworn in as Senators of the United States. Such, however, is not the law. The tenure of office of all Senators now holding temporary appointment in the Senate of the United States will expire upon the 5th day of November next, and in the discharge of my sworn duty I can certify no compensation after that date.

"I regret being compelled to render this opinion, but I think my duty as plain as a pikestaff.

"Very respectfully,

"THOS. R. MARSHALL.

"(63 CONGRESSIONAL RECORD, p. 12.)"

"A few weeks after this opinion had been rendered a resolution was reported to the Senate providing for the payment out of the Senate contingent fund of compensation to Senator Benet, of South Carolina, one of the appointed Senators to whom the opinion related, for the period from November 6 to December 2, 1918, during which he had served as a Senator. Objection to the consideration of the resolution was made by Senator Curtis, and in the course of his remarks he said:

"I understand that the Senator-elect from the State has been paid the salary from the date of the election. Under the Constitution the term of Senator Benet expired on the day of the election of his successor. Therefore I doubt very much if he is entitled to this extra salary. Surely Congress will not pay a double salary during that time. If the Senator-elect has not been paid, then there might be favorable action upon the resolution, but personally I shall object to its consideration until we can get the facts in the case."

"The attention of Senator Curtis was then called to the fact that his predecessor, who had also been appointed, had been paid until the Senator took his seat, and he replied:

"Senator Benson did draw the salary until I took the oath; that was the old practice. Before the Constitution was amended, a Senator was appointed to serve until his successor was elected and qualified. I was elected by the legislature in 1907. I was not elected until the 23d day of January, and I took my seat in the Senate on the 29th of January. But under the Constitution as it now is, with the constitutional amendment with regard to the election of United States Senators, a newly elected Senator to fill an unexpired term is entitled to his office and entitled to pay from the day he is elected. That question has not been decided and there are no precedents since the adoption of the constitutional amendment.

"I am informed that the financial clerk or the Secretary has been notified that the new Senators are entitled to their pay from the date of the election. If that is so and this resolution is adopted, Mr. Benet will be paid for time for which the newly elected Senator has been paid. I do not think the Senate wants to set a precedent of that kind."

"The resolution was then placed on the calendar, and on December 6, 1918, it was recommitted to the Committee to Audit and Control the Contingent Expenses of the Senate (57 CONGRESSIONAL RECORD, pp. 32 and 177-178). There is no indication that any action was taken subsequently with respect to the resolution.

"A similar situation arose on December 7, 1922, when a resolution was reported for the payment out of the Senate contingent fund of compensation to Senator Rawson, of Iowa, for the period from November 8 to December 1, 1922. Although he had been appointed to the Senate and an election had been held on November 8 at which Senator Brookhart had been elected, Senator Rawson continued to serve until the certificate of election of his successor was presented and he had taken the oath of office. In the course of the debate on the resolution it was brought out that Senator Brookhart's salary began on the day he was elected and Senator Heflin then said:

"Mr. President, in my own case I was elected on November 2, 1920, and I drew the salary from that day. The term of Governor Comer, who was appointed to succeed Senator Bankhead, expired on the 2d day of November. My term commenced then. I drew the salary. Governor Comer never drew any salary after the 2d of November. It ought to be made clear that the sitting Member's term, the term for which he was appointed, expires on the day of the election. I think that is what we all meant when we amended the Constitution" (64 CONGRESSIONAL RECORD, p. 171).

"Senator Spencer subsequently said:

"As a matter of fact, this has been the precedent of the Senate: When a Senator is appointed his salary commences from the day of his appointment. When the election occurs his salary automatically ends, even though he continues on, as in the case of the Senator from Iowa or as in the case of the Senator from Georgia. His salary automatically ends on the day of election, and the salary of the man who was elected, even though he does not come in and qualify for a week or two, commences, under the present practice, on the day of his election.

"I was an illustration of that very principle. I was elected on November 3, perhaps, 1918. I did not take my seat until the 21st of November, but my salary dated back from the 1st of November, and the salary of the appointee whose place I took, Mr. Wilfey, ended upon the day of the election. That has been the unbroken precedent of the Senate * * * (64 CONGRESSIONAL RECORD, p. 172).

"The resolution for the payment of compensation to Senator Rawson out of the contingent fund for the period from November 8 to December 1, 1922, was later agreed to, as well as a resolution for the payment of clerical services rendered to him for the same period (64 CONGRESSIONAL RECORD, p. 179).

"The only other case of a somewhat similar character which seems to have arisen since the ratification of the seventeenth amendment was that of Mrs. Felton, of Georgia, who had been appointed to the Senate on October 3, 1922, after the death of Senator Watson and who was permitted to take the oath of office on November 21, 1922, notwithstanding the fact that Senator GEORGE had been elected on November 7 to fill the unexpired term of Senator Watson. At that time Senator Walsh, of Montana, urged that Mrs. Felton was entitled to be sworn in, and after referring to several cases prior to the seventeenth amendment in which Senators who had been appointed had held their seats until their successors had appeared, or had appeared and qualified, he concluded his speech by saying:

"In no instance does it appear that any controversy was ever raised as to the right of the Governor's appointee to sit and participate in the deliberations of the Senate until his or her successor appeared with the proper credentials.

"These are all, of course, constructions of the original Constitution, and the seventeenth amendment was adopted in view of the practical construction given to the corresponding provision of the work of the fathers by the Senate itself. Under well-established principles of construction, the language being changed only so far as was necessary to express the purpose to change the method of election, the people endorsed the construction of the clause of the Constitution in question implied in the practice which had been observed by the Senate, and intended that the amendment should be similarly construed.

"I have said this much because I did not like to have it appear, if the lady is sworn in—as I have no doubt she is entitled to be sworn in—that the Senate had so far departed from its duty in the premises as to extend so grave a right to her as a favor, or as a mere matter of courtesy, or being moved by a spirit of gallantry, but rather that the Senate, being fully advised about it, decided that she was entitled to take the oath."

"There was no further discussion of the matter and Mrs. Felton then took the oath of office and became the first woman to sit in the Senate (63 CONGRESSIONAL RECORD, pp. 11-14).

"Two days later, on November 23, 1922, Senator Walsh objected to the adoption of a resolution which had been offered by Senator Harris for the payment out of the Senate contingent fund of compensation to Mrs. Felton and mileage for the period from November 8 to November 21, 1922. The reason which he gave for his opposition to the resolution was that Mrs. Felton should be paid out of the regular appropriation as every other Senator is paid and that to make the payment out of the contingent fund 'would throw very grave doubt upon the action taken by the Senate in seating Mrs. Felton as a Senator' (63 CONGRESSIONAL RECORD, pp. 47-48). However, when the resolution was reported to the Senate favorably, without amendment, on December 4, 1922, it was considered by unanimous consent and agreed to (63 CONGRESSIONAL RECORD, p. 452).

"In view of the action taken by the Senate in making payments out of the contingent fund to Mrs. Felton and Mr. Rawson, and in refusing to make a similar payment to Mr. Benet, it might be reasonably inferred that any case in which a senatorial appointee held over beyond election day was thought to be of an exceptional character and that the position taken by Senator Walsh was not recognized as being controlling.

"In passing, it might be noted that the cases specifically referred to by Senator Walsh in support of his position were all prior to 1851, and it is quite probable that because of the uncertainties and delays surrounding the transmission of news and intelligence up to that time the Senate in most cases would have had no official knowledge that a person had been elected by the State legislature to succeed an appointed Senator until the credentials of that person had been presented to the Senate. Consequently, it is not unreasonable that under such circumstances the appointed Senator should have continued to serve either until his successor appeared in person to present his credentials or at least until such credentials had been received by the Senate in some other way.

"Since December 1922 there appears to have been no further consideration in the Senate of the right of a person appointed to the Senate to hold office beyond the day on which his successor is elected, but this may be due in part to changes in the laws relating to the payment of salaries of Senators which fixed the time for which each Senator was to be paid. These changes will be discussed below, but regardless of the reasons for making them or of their practical application they can hardly be said to be determinative of the proper interpretation to be placed upon the limitation of the seventeenth amendment with respect to the time during which temporary appointments to the Senate remain in effect. That question must be decided in the light of the purposes for which the amendment was adopted, and these purposes, together with the language of the amendment itself, seem sufficiently definite to justify the conclusion that any such temporary appointment will expire on the day on which the successor to the appointee is elected, irrespective of what the statutes may provide at the moment with regard to the amount of compensation each of them is to receive.

"NOTE.—Further support for the conclusion reached above will be found in the appendix to this memorandum."

"II

"At the time the seventeenth amendment was ratified the payment of compensation to Senators out of the regular annual appropriations for salaries was governed by the following provision of the Legislative Appropriation Act of July 31, 1894 (28 Stat. 162): 'Provided, That the salaries of Senators elected or appointed to fill vacancies in the Senate and of Senators elected for a full term subsequent to the commencement of such term, shall commence on the day of their election or appointment.'

"This provision remained in effect until 1923 and it was uniformly construed to mean that the salary of an appointed Senator ceased on the day his successor was elected. The 'unbroken precedent' of the Senate in this respect was referred to on December 7, 1922, by Senator Spencer when the Rawson resolution was before the Senate, and his remarks at that time have previously been quoted in this memorandum. (See p. 5.)

"On December 15, 1922, a joint resolution (S. J. Res. 248) which had been referred to at the time of the debate on the Rawson resolution was reported to the Senate and passed. It had the effect of superseding the law relating to the payment of salaries of Senators which had been in force since 1894, and it is reported in the CONGRESSIONAL RECORD as follows:

"*Resolved, etc., That salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified; and salaries of Senators elected to fill vacancies in the Senate shall commence on the day they qualify*' (64 CONGRESSIONAL RECORD, p. 526).

"The House, on February 5, 1923, added the following proviso:

"*Provided, That where no appointments have been made to fill such vacancies the salaries of Senators elected to fill such vacancies shall commence on the day following their election*' (64 CONGRESSIONAL RECORD, p. 3090).

"Upon the motion of Senator Spencer the Senate concurred in the House amendment on February 6, 1923 (64 CONGRESSIONAL RECORD, p. 3103), and the resolution became operative when it was approved by the President on February 10, 1923 (42 Stat. 1225).

"The discussion in the Senate with respect to the proposed change in the 1894 law is somewhat confusing (see 64 CONGRESSIONAL RECORD, pp. 171-172), but the provisions of the new law were clear and payments were made in the manner prescribed therein until February 6, 1931, when the law was changed with respect to payment of salaries of Senators who had been elected to succeed appointees at a special election held during a sine die adjournment of the Senate.

"It might be argued perhaps that the change made in 1923 amounted to an interpretation by the Senate of the limitation contained in the seventeenth amendment with respect to the duration of temporary appointments to the Senate. There is some doubt about this, however, in view of the fact that the sponsor of the resolution, Senator Curtis, had previously expressly declared that the term of office of a person appointed to the Senate expired under the Constitution on the day his successor was elected. His statement in this connection has been already quoted in this memorandum. (See p. 5.) At any rate, whatever the real purpose for changing the old law may have been, there seems to have been no contests on the part of any Senators with respect to the amount of compensation to which they were entitled while the 1923 law was in effect.

"On January 22, 1931, when the first deficiency appropriation bill was under consideration in the Senate, Senator Jones, on behalf of the Committee on Appropriations, recommended that the 1923 law relating to the payment of salaries to Senators be amended by adding the following proviso:

"*Provided further, That when Senators have been elected during a sine die adjournment of the Senate, at a time other than a general election, to succeed appointees, the salaries of Senators so elected shall commence on the day following their election, and the salaries of such appointees shall cease on that date*' (74 CONGRESSIONAL RECORD, 2871).

"The amendment was agreed to without debate, was concurred in by the House, and became operative on February 6, 1931, when H. R. 15592, to which the amendment had been added, was signed by the President (46 Stat. 1065).

"The effect of adding the proviso to the 1923 law was to make a distinction for the purposes of compensation between Senators elected to succeed appointees, depending upon whether they were elected at a general or at a special election. Thereafter, if a Senator was elected at a general election to succeed an appointee his salary was to commence only on the day he qualified, and that of the appointee was to continue until the Senator so elected had qualified. In this respect there was no change in the 1923 law. On the other hand, under the new proviso, if a Senator was elected to succeed an appointee at a special election held during a sine die adjournment of the Senate his salary was to commence on the day following his election, and it was expressly provided that the salary of the appointee was to cease on that date.

"The constitutional question as to whether an appointee to the Senate is entitled to hold office after a successor is elected was apparently not considered in 1931 when the above change was made in the compensation provisions, but on principle it would seem that no distinction can be made between such appointees depending upon whether their successors are elected at a special or at a general election, or whether any such election takes place during a sine die adjournment of the Senate or not. The general intent of the 1923 and 1931 provisions with respect to the payment of salaries seems clear; however, namely, that no appointee

to the Senate was to be paid any amount as salary out of the regular appropriations for salaries for any period during which compensation was to be paid to his elected successor. Otherwise, a deficiency appropriation would have to be made, since the regular appropriations for each fiscal year are sufficient to pay but two Senators from each State.

"On June 19, 1934, the following provisions relating to salaries of Senators became operative and superseded the provisions of 1923 and 1931 referred to above:

"Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified.

"Salaries of Senators elected to fill such vacancies shall commence on the day they qualify.

"When no appointments have been made the salaries of Senators elected to fill such vacancies shall commence on the day following their election.

"When Senators have been elected during a sine die adjournment of the Senate to succeed appointees, the salaries of Senators so elected shall commence on the day following their election.

"When Senators have been elected during a session to succeed appointees, but have not qualified, the salaries of Senators so elected shall commence on the day following the sine die adjournment of the Senate' (48 Stat. 1022).

"These provisions were added to H. R. 9830 in the Senate on June 15, 1934, without debate (78 CONGRESSIONAL RECORD, p. 11608).

"The first three paragraphs above quoted are substantially the same as the 1923 law. The fourth paragraph corresponds somewhat to the proviso that was added in 1931, but the distinction between Senators elected to succeed appointees at a special election and at a general election was eliminated, as well as the express provision that the salaries of any appointees whose successors were elected during a sine die adjournment of the Senate at a special election should cease on the day following such election. As a result, the first paragraph of the 1934 law provided in effect that the salaries of appointees should continue until their successors had been elected and qualified, the second provided that the salaries of the successors should commence only when they had qualified, and the fourth provided that the salaries of the successors, if they had been elected during a sine die adjournment of the Senate either at a general election or at a special election, should commence on the day following their election. The fourth paragraph was obviously intended to be an exception to the first and second, and although nothing was said about the salary of an appointee ceasing in a case to which the fourth paragraph was applicable, it seems apparent that no overlapping payments were intended. On the contrary, it must have been assumed that the salary of an appointee would end when his successor was elected under the circumstances indicated, and that to add an express provision to that effect as was done in 1931 was unnecessary.

"This construction seems to be confirmed by the provisions of the fifth paragraph of the 1934 law. It made a further exception to the second paragraph, and to the general provision for continuing salary payments to appointees until their successors had qualified, by providing in effect that if a successor to any such appointee was elected during a session of the Senate but did not qualify during the session, his salary was to commence on the day following the sine die adjournment of the Senate. The only reasonable inference would seem to be that the salary of the appointee in such a case would continue only until the sine die adjournment of the Senate when that of his successor commenced, even though nothing was said expressly about the salary of the appointee ceasing at that point. Conversely, it would be clearly unreasonable to construe the language of the 1934 law as continuing salary payments to an appointee out of the regular appropriations until his successor had qualified, when express provision was made for paying the successor after the session was over although he had not qualified.

"As there was no debate in either House on the 1934 changes in the salary provisions it does not appear whether any consideration was given at that time to the constitutional question with respect to the duration of temporary appointments to the Senate. It should perhaps be noted, however, that a distinction was actually made between appointees whose successors were elected during a sine die adjournment of the Senate and those whose successors were elected while the Senate was in session. It may be fairly inferred from the 1934 provisions as a whole that in the first case the salary of the appointee was to cease on the day his successor was elected, whether he qualified later or not, while it is equally clear that in the second case the salary of the appointee was to continue until his successor qualified, or until the sine die adjournment of the Senate if the successor did not qualify before then. It necessarily follows that the salary of an appointee in the second case was to cease when his successor qualified, or when a sine die adjournment intervened before his successor qualified, and that in no event was the salary of the appointee to be paid after such adjournment whether the successor later qualified or not.

"It seems therefore that under the 1934 law the duration of temporary appointments to the Senate for the purposes of compensation at least was to be determined as follows: (1) By the date of election of the successor to the appointee if such election took place during a sine die adjournment of the Senate, (2) by the date of qualification of the successor to the appointee if he was elected during a session of the Senate and qualified before it adjourned sine die, and (3) by the date of the sine die adjournment of the Senate if the successor to the appointee was elected during the session of the Senate and failed to qualify before such adjournment. In passing,

it should be emphasized again that under the seventeenth amendment no apparent distinction is made between the terms of office of appointees depending upon whether their successors are elected during a session of the Senate or not, or whether a sine die adjournment intervenes before the successors have qualified, and on principle, it would seem that the amendment contemplates that the date of termination of temporary appointments to the Senate should be the same in all cases, regardless of any provisions that may be made and acquiesced in for the payment of salaries. If the conclusion reached in the first part of this memorandum is correct, the date on which the term of office of an appointee to the Senate ends in a constitutional sense is the date on which his successor is elected. The only possible alternative would seem to be the date on which the successor to the appointee is qualified, although it might be contended, of course, that the termination of such temporary appointments is to be governed solely by the statutory provisions of the several States pursuant to which the Governors are authorized to make such appointments.

"The 1934 compensation provisions were apparently thought to be rather unsatisfactory, and on February 13, 1935, they were replaced by the following provisions which are still in force:

"Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified: *Provided*, That when Senators have been elected during a sine die adjournment of the Senate to succeed appointees, the salaries of Senators so elected shall commence on the day following their election.

"Salaries of Senators elected during a session to succeed appointees shall commence on the day they qualify: *Provided*, That when Senators have been elected during a session to succeed appointees, but have not qualified, the salaries of Senators so elected shall commence on the day following the sine die adjournment of the Senate.

"When no appointments have been made, the salaries of Senators elected to fill such vacancies shall commence on the day following their election" (49 Stat. 22-23).

"When these provisions were offered in the Senate on January 28, 1935, as amendments to a resolution making additional appropriations for certain governmental agencies (H. J. Res. 88), Senator ADAMS stated that they were to clarify the 1934 law in reference to the payments of salaries of Senators for short terms and following appointments, and that the amendment 'makes no difference whatever in the pay scale of any Senator and involves no additional obligation on the part of the Government' (79 CONGRESSIONAL RECORD, 1057). It is reasonable to infer from this statement that there was no intention to provide for overlapping payments to appointees and their successors out of the regular appropriations for salaries, and that the general practice which had been followed under prior laws was to be continued, namely, that the salary of an appointee was to cease when that of his elected successor began.

"As a matter of fact, the first paragraph of the 1935 revision merely combined the first and fourth paragraphs of the 1934 law with no change in substance, while the second paragraph of the 1935 revision combined the substance of the second and fifth paragraphs of the 1934 law. Consequently, it would be unreasonable to place a different construction upon the 1935 combinations from that placed upon the separate provisions of the 1934 law. The third paragraphs of the 1934 and 1935 laws are identical, are the same in substance as the proviso added by the House in 1923 to Senate Joint Resolution 248, and have given rise to no dispute as to their meaning since the intent is clearly apparent. Further discussion of the changes made in 1935 is believed to be unnecessary in view of the detailed consideration that has already been given to the 1934 provisions which were replaced in form but not in substance.

"In conclusion, under the present law relating to the payment of salaries of Senators, the answer to the question whether the compensation of a person appointed to the Senate is to cease on the day that a person is elected to succeed him, or only when the person so elected qualifies as a Senator, will depend upon the happening of the various events referred to in the statute.

"If the election of the successor to the appointee takes place during a sine die adjournment of the Senate, the salary of the appointee is to cease on the day of such election.

"If the election of the successor to the appointee takes place during a session of the Senate, the salary of the appointee is to cease either (1) on the day the successor qualifies, if such qualification takes place before the sine die adjournment of the Senate, or (2) on the day on which the Senate adjourns sine die, if the successor does not qualify before that day.

"Respectfully submitted.

"(Signed) HENRY G. WOOD,
Legislative Counsel.

"HON. WILLIAM H. KING,
United States Senate, Washington, D. C.
"NOVEMBER 30, 1938."

"APPENDIX

"In the course of the debate in the Senate on February 3 and 4, 1914, with respect to the right of Mr. Frank P. Glass to a seat in the Senate under an appointment by the Governor of Alabama, various views were expressed concerning the time when the seventeenth amendment was to become operative and the meaning of its provisions. As one of the main questions at issue was the authority of the Governor to appoint Mr. Glass in view of the fact that after the ratification of the amendment the Legislature of Alabama had

not by law authorized the Governor to make appointments to fill vacancies in the Senate, there was considerable discussion about the provisions of the second paragraph of the amendment which reads as follows:

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct."

"It is believed that the views then expressed with respect to the meaning and effect of the above provision should be given great weight not only because the debate took place so soon after the ratification of the amendment, but also because many of the participants had been in the Senate while the proposed amendment was being considered and prior to its submission to the States. The following excerpts from the speeches on February 3 and 4, 1914, indicate that Senators who favored the seating of Mr. Glass as well as those who were opposed to doing so were in agreement as to the meaning of that part of the seventeenth amendment which relates to the duration of temporary appointments, and it is apparent that in the opinion of those Senators at least a temporary appointment was to terminate under the Constitution on the day that the successor to the appointee was elected.

"The pages referred to below are from volume 51, part 3, of the CONGRESSIONAL RECORD, and all italics have been supplied:

"MR. WALSH. * * * This Senate cannot seat Mr. Glass now upon the theory that Alabama has no law under which an election can be held and then oust him next fall in favor of a man who is elected under the same state of the law, unless it is prepared to proceed upon the easy philosophy of the statesman who asked, 'What is the Constitution among friends?' It is said that he will sit only until an election is held, but the very basis of the argument upon which his right is asserted is that there is no law under which an election can be held (p. 2794).

"MR. CLAPP. Is it not the correct construction that it provided both means; that is, the executive could call an election, but the legislature could authorize the executive to fill the vacancy by appointment until the election?

"MR. BRADLEY. There is no doubt about that construction of the amendment. * * * Under the new amendment the people elect the Senator; under that amendment the people supply a vacancy in his office by like election. Under the old constitution the legislature elects the Senator, and under that constitution the legislature, in case of vacancy, elects his successor. Under both systems the Governor may appoint temporarily (p. 2804).

"MR. BRADLEY. * * * the State, in the first place, through its legislature, can authorize the Governor to appoint until the people hold an election, and that election must be held as directed by the legislature of the State, not as directed by the Congress of the United States (p. 2805).

"MR. BANKHEAD. * * * Mr. President, if Mr. Glass is seated by the Senate, as soon as an election is held in Alabama as contemplated by the seventeenth amendment the person elected at that election will be entitled to come to Washington and take his seat in the Senate and Mr. Glass necessarily goes out of the Senate (p. 2808).

"MR. REED. I was discussing the proposition that the first provision we are met with is that there shall be an election by the people, and I had come to the further proposition that there was an exception to that method. What is it?

"When vacancies happen in the representation of any State in the Senate the executive authority of such State shall issue writs of election to fill such vacancies."

"I ought to say again that at this point and up to this point it is purely and absolutely an election by the people. Every original election must be by the people. Every election to fill a vacancy must be by the people. The express command is laid upon the Governor of a State to issue his writ of election and to call the people together and give them the opportunity which we sought to give them.

"There is but one way to avoid that method of selecting a Senator, to comply with the provision contained in the Constitution. Until you have complied with the qualifying provision there is no man who can sit in this body unless he holds his warrant by virtue of an election by the sovereign people of a State. That one way is—

"That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct."

"Now, note that language. The legislature empowers the executive to make temporary appointment until when? Until the next general election? No. Until the legislature shall assemble? No. For a period of 3 months or 6 months or a year? No. Until the term of office of the man who receives the temporary appointment shall have expired? No. It is until the people shall elect as the legislature may direct.

"If the legislature were to meet and confer the authority upon a Governor to appoint, and stop at that point, I do not believe he could make a valid appointment. I believe that in order that the Governor might have authority to make a valid appointment under a legislative act the legislature must give him the direct power to appoint and at the same time must provide that the people of that State shall have a chance to elect, and that the appointment must cease when that hour or day of election has arrived (pp. 2813-2814).

"Mr. REED. * * * What says the Constitution, if you undertake to apply that to the seventeenth amendment:

"*Provided, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.*"

"That is to say, the legislature may meet; *they may authorize the Governor to make a temporary appointment until the day of election rolls around, which they are to fix in the very law by which they give him this authority; and the appointment is until the election can be held, and no longer.* But, says the statute of Alabama, even if we grant that it applies, or can be made to apply, to this case, the Governor shall appoint to fill the unexpired term of that office. The Constitution declares that he shall not have authority to appoint to fill an unexpired term; *he shall only have authority to fill the office until the people elect, when it is expressly conferred.* Elect whom? Elect a man whose office will begin at the end of the term? No; *the Governor shall merely make a temporary appointment to be held until the people shall elect somebody to take the place of the man he temporarily appointed;* * * * no Governor could appoint until the legislature had expressly authorized him to appoint, and then only for such time as should intervene between the date of the appointment and an election to be held in accordance with the provisions of the very law that confers upon the Governor the power of appointment.

"The Constitution says that the Governor cannot appoint unless the legislature has given him authority to appoint, and then *he can appoint only until such time as the people shall elect in accordance with the provisions of the statute* (p. 2816).

"Mr. BANKHEAD. If the Senator from Missouri has read the opinion of the Governor's legal advisers, he has seen that they state that under the statute the Governor has the unquestioned right to appoint, but when he undertakes to appoint for the unexpired term he comes in conflict with the constitutional amendment; and in that case *the appointee must give place to his successor when the successor is elected by the people of Alabama, which may be next week or next month or 2 months from now.*

"As soon as an election can be held, if there is any law in Alabama to authorize it—and I am authorized to say that it will be done very soon—and the person elected comes here with the certificate of the Governor that he has been elected by the people of Alabama, he will take his seat in the Senate and Mr. Glass will walk out (p. 2816).

"Mr. SUTHERLAND. * * * Under the provisions of the seventeenth amendment clearly no Governor can be authorized by the act of the legislature to appoint any person to fill the unexpired term; or the legislature, rather, can only authorize him to appoint under the authority of the seventeenth amendment, which reads: "*That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.*"

"*The constitutional provision contemplates that the appointment shall be made only until at some convenient time before the expiration of the term the people can act; and the legislature is not permitted by the terms of the constitutional provision to authorize the Governor to appoint for any longer period* (p. 2867).

"Mr. SHERMAN. * * * The express power contained in the proviso here limits the mandatory order of this clause of the amendment only so far as enumerated. It limits it in a single thing and in none other. It provides:

"*That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.*"

"The only thing this does with the mandatory power in the body of the second clause of the amendment is to provide that the legislature of the State may suspend the mandatory direction to the Governor in the body of the clause. That orders the executive to issue an immediate writ for an election. It provides that the legislature has that discretionary power to fix the time of an election, and pending that a Governor may appoint to fill the vacancy if the legislature confers that power upon him. It provides that the legislature of a State may fix the time when an election shall be held by the people to fill a vacancy, and *the time the Governor may appoint is measured by the time when they authorize him to make the appointment and the time when they require an election to be held to fill that vacancy.* That period between those two intervals of time constitutes the sole power of an executive to make a temporary appointment.

"The full term or a vacancy is to be filled but one way, and that is by a popular election, unless a State statute confers on a Governor power to make a temporary appointment to fill a vacancy. No question arises except on vacancies. No question arises even on the vacancy if the body of the second clause of this amendment be considered, where it provides that writs shall be issued by the executive of the State. It is only upon the proviso on which the contention arises for a different construction. In the proviso it is said *that the Governor of the State may appoint, if he is given power by an act of the legislature, until such time as the legislature shall direct an election* (p. 2870).

"Mr. POMERENE. * * * At the time this amendment was being discussed by the Senator from Kansas [Mr. Bristow] he made, in part, this explanation on May 23, 1911:

"The Constitution as it now reads, referring to vacancies in the Senate, says: 'And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive

thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.'

"Instead of that, I provide the following: 'When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies.'

"Which is exactly the language used in providing for the filling of vacancies which occur in the House of Representatives, with the exception that the word 'of' is used in the first line for the word 'from,' which, however, makes no material difference.

"Then my substitute provides that—'the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.'

"That is practically the same provision which now exists in the case of such a vacancy. The Governor of the State may appoint a Senator until the legislature elects. *My amendment provides that the legislature may empower the Governor of the State to appoint a Senator to fill a vacancy until the election occurs, and he is directed by this amendment to 'issue writs of election to fill such vacancies.'*

"That is, I use exactly the same language in directing the Governor to call special elections for the election of Senators to fill vacancies that is used in the Constitution in directing him to issue writs of election to fill vacancies in the House of Representatives."

"So far as my knowledge goes, the construction which the Senator from Kansas placed upon the language of this amendment as submitted by him was not challenged by any Senator on the floor of this Chamber (p. 2875).

"Mr. BRISTOW. Mr. President, just a word. During the 3 years this amendment was under consideration, I do not believe it ever occurred to the mind of a Senator on this floor that after its adoption an appointment could be made to the Senate by any Governor, unless it were a temporary appointment pending an election. If every Senator had been individually asked for an expression of opinion at that time as to what this language meant, I do not believe there would have been a single Senator who would not have said that vacancies in the Senate would, after the adoption of the amendment, be filled exactly as vacancies in the House are filled, by an election, provided, of course, that in the meantime the legislature of a State had made provision whereby, pending that election, the Governor could make an appointment to fill a vacancy, so that every State would have its quota (p. 2876).

"Mr. BRANDEGEE. * * * So that I say that the passage by the Legislature of Alabama of an enabling act conferred upon the chief executive of that State authority to make this appointment until the people can elect is as necessary a part of the title of the appointee who applies to be seated as anything in the Constitution could be (p. 2880).

"Mr. CLARK of Wyoming. * * * Under the seventeenth amendment to the Constitution we, in effect, take away from the Governor that right to appoint, but we confer upon the Governor another right to appoint, to wit, the right to appoint temporarily, when the legislature shall so direct by specific law, until the people themselves shall have voted under the operation of this amendment. So it seems to me the right to appoint under the seventeenth amendment is a different thing from the right to appoint under the old Constitution (p. 2881).

"Mr. WALSH. * * * The amendment provides that the executive authority of the State may make temporary appointment, if authorized by the legislature, until an election can be held by the people (p. 2883).

"In that same amendment they said, however, that if in any particular State the people believed it would be wise or prudent to invest their Governor with the power to make a temporary appointment, which at the outside would ordinarily last only for a period of 30 or 60 or 90 days, they were at liberty to do it; that each separate State is required to decide that question for itself (p. 2884).

"Mr. PROFFITT. You received the small brief I sent you?

"Senator HATCH. Yes.

"Mr. PROFFITT. I ask that be put in the record.

"Senator HATCH. Very well. We have already placed in the record the petition of Senator Berry. At the conclusion of your remarks your brief will be included.

"Senator CONNALLY. And such further brief as he may want to file.

"Senator HATCH. Yes.

"(The first and second briefs of the petitioner, respectively, are here set forth in full, as follows:)

"To the Judiciary Committee of the United States Senate:

"BRIEF SUPPORTING ORIGINAL PETITION IN THE CASE OF GEORGE L. BERRY v. CHAS. PACE

"George L. Berry's right to remain as United States Senator until Tom Stewart qualifies rests upon the following grounds:

"1. Berry was appointed by Governor Browning to fill a vacancy in the United States Senate.

"2. Amendment 17 of the United States Constitution provides that the Governor of each State shall fill vacancies in the Senate 'as the legislature shall direct.'

"Under this amendment each State could have a different law.

"3. Berry was appointed from Tennessee so the Tennessee law would govern.

"4. Section 1930 of the Code of Tennessee provides that an appointee of a Governor to fill a vacancy shall hold office until his successor 'is elected and qualified.'

"5. Congress passed a law in 1934 stating that the salary of Senators, elected to fill a vacancy, would begin the day after the election. This law of Congress passed in 1934 is unconstitutional and void for the following reasons:

"(1) It violates amendment 17 of the United States Constitution by taking authority vested in the State legislature.

"(2) It violates section 6 of article I of the United States Constitution which states that 'Senators shall receive a compensation for their services' because if a Senator was paid for time before he became a Member of the Senate the pay could not be for 'services.'

"(3) There is no way to tell who is elected in an election until the votes are officially tabulated. In the case of a United States Senator this takes several weeks in Tennessee because there are 95 different counties to be heard from.

"(4) If a Governor's appointee term should end the day of the election the State would have only one Senator until the results of the election were officially determined—this would violate amendment 17 of the United States Constitution which states that each shall have two Senators.

"In the present case Tom Stewart's salary could not begin the day after the election, even if the law of Congress was constitutional, for the following reasons:

"(1) Stewart has been serving as a district attorney general in Tennessee since the election. The office of district attorney general and the office of United States Senator are lucrative offices.

"(2) Section 26, article 2 of the Constitution of Tennessee states that 'no person in this State shall hold more than one lucrative office at the same time.'

"Respectfully submitted, this the 11th day of January 1939.

"HANSEL PROFFITT."

Brief in supplement to brief of legislative counsel, appearing above:

"MEMORANDUM RELATING TO ANNUAL APPROPRIATIONS FOR SALARIES OF SENATORS"

"In connection with the payment of salaries of Senators, it has been customary for many years to appropriate, in the regular annual Legislative Appropriation Act, the exact amount required to pay two persons from each State for a period of 12 months at the current rate fixed by statute as compensation for Senators. In making such an appropriation the Congress is, of course, merely recognizing that each State is entitled to two Senators, as provided by the seventeenth amendment, and carrying out the provision of section 6 of article I of the Constitution that 'The Senators * * * shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States.'

"Although the Constitution merely requires that compensation be paid to 'Senators,' this requirement has never been so strictly construed as to exclude the payment of compensation to Senators-elect who were elected to fill vacancies to which temporary appointments had been made. In some instances, also, payments have been made out of the regular appropriations to temporary appointees to the Senate instead of to their elected successors for the period between election day and the day when the latter took the oath of office as Senators. However, the fact that each regular appropriation is sufficient to pay but two persons from each State during a period of 12 months would seem to preclude using any part of any such appropriation for paying both the Senator-elect and his appointed predecessor for any period after election day. As a result, if any dispute arises as to which of the two persons should be paid for such period, it will be necessary to choose between them if the purpose for which the annual appropriation was made is to be carried out. The choice between the appointee and the Senator-elect in any such case will depend in the first instance upon what is provided in the compensation statutes with respect to payments, and in the absence of a clear and unambiguous statutory provision which requires the payment of compensation to the appointee until the Senator-elect takes the oath of office as a Senator, it has been customary recently to make the payment to the latter and this practice has been generally accepted as being proper. If both were paid during the same period it might well be said that the payment to one of them, at least, was merely an unauthorized gratuity, and in any such case a deficiency appropriation would have to be made in order to obtain sufficient funds to pay the Senators from the other States the full amount of their salaries.

"It should be noted, perhaps, that the existence of a statutory provision which authorizes payment of the appointee instead of his elected successor after election day, or which authorizes payment of the Senator-elect instead of the appointee after election day, will not be conclusive on the question as to which of them is entitled to the office of Senator, since it has not been definitely determined by the courts whether the status of any such appointee as a Senator continues beyond the day his successor is elected. About all that can be said of any provision of that sort is that it indicates a definite intent not to pay both persons for the same period, although it may well be that those who enacted the provision were of opinion that the person for whom payment was provided was actually entitled to it under the Constitution.

"If payment was authorized to be made to the Senator-elect after election day and it was subsequently decided that he was entitled to the office of Senator from that day, the appointee who preceded him would, of course, have no valid claim for any compensation as a Senator after election day. As any such claim must necessarily be based on the fact that the status of the appointee as a Senator continues until his elected successor takes office, a determination that such status ceased on election day would have the effect of de-

stroying any claim which he might have for further compensation. It follows that if payment was authorized to be made to him after election day rather than to the Senator-elect, and the latter was held to be entitled to the office of Senator as soon as he was elected, any payment to the appointee beyond election day would in effect be a gratuity in spite of the fact that the statute provided for it. The Senator-elect in such case could not claim that his predecessor had been paid unlawfully, and his own claim for compensation between election day and the day he was sworn in, if he was not paid, would have to be based upon the fact that he was a 'Senator' during that period within the meaning of the compensation provision of the Constitution.

"On the other hand, if it should be decided that the appointee's status as a Senator continued under the Constitution until his elected successor was sworn in, he would be entitled to receive compensation until that time even though there was a specific provision in the compensation statutes authorizing the payment of the Senator-elect. In such a case the latter rather than the appointee would have received a gratuity, although the payment was made in accordance with law.

"Conceivably, the Congress might provide for paying both an appointee and his elected successor between election day and the time the latter took the oath of office as a Senator, but this would be contrary to the customary practice as evidenced by the amounts regularly appropriated annually for salaries of Senators. However, if a provision for the payment of the two persons for the same period of time was in effect, the failure to pay either of them would give rise to a valid claim for compensation under the terms of the statute, and in that connection it would not be necessary to decide the constitutional question as to which person was entitled to the office of Senator.

"It is also conceivable that under a strict construction of the Constitution the Congress might fail to provide for the payment of compensation to the elected successor of an appointee until the successor took the oath of office as Senator, since the Constitution merely provides that 'Senators' shall receive a compensation for their services to be paid out of the Federal Treasury. If such a limited construction of the Constitution should be upheld, it would, of course, make no difference, as far as his claim for compensation was concerned, whether the Senator-elect was held to be entitled to the office or not.

"The failure of the Congress to provide for the payment of compensation either to the appointee or to his elected successor between election day and the time the latter took office as a Senator would necessarily involve a determination of the constitutional question in connection with a claim for compensation. In any such case it would not be a question of a right under the statute but whether either person was entitled to compensation under the Constitution in the absence of a statutory provision for the payment of compensation to him. The appointee would have to establish at least that his status of Senator continued until his elected successor was sworn in, and the Senator-elect would have to establish not only that he was entitled to the office of Senator from the day of his election but also that he was a 'Senator' within the meaning of the compensation provision of the Constitution and therefore entitled to be paid. It is unlikely, however, that a situation will arise in which the courts will be called upon to decide the constitutional question because there has been a failure to pay the appointee as well as the Senator-elect, and it is assumed that the present practice of appropriating enough each year to pay two persons from each State throughout the year will be continued.

"The case which is most likely to arise is one in which it is claimed that the appointee rather than the Senator-elect should be paid, but if provision was actually made for paying the latter it is difficult to see how the compensation statute itself could be attacked on constitutional grounds. If it should be decided that the appointee's status as a Senator continued beyond election day, payment of compensation to him would probably be required and made, but that would not necessarily invalidate the statute or the prior payments to the Senator-elect. If they were made in accordance with the statute, the payments to the Senator-elect could not be said to be unauthorized regardless of whether it was believed at the time the statute was enacted that payment was being provided for the person constitutionally entitled to it.

"As the seventeenth amendment by its terms does not provide that a temporary appointee to the Senate shall hold office and be paid until the day his elected successor is qualified, the claim of such an appointee to payment of compensation as a Senator until that day arrives (in the absence, of course, of a definite and unambiguous statutory provision requiring such payment) must necessarily be based upon a broad interpretation of the proviso in the second paragraph of the seventeenth amendment to the effect that the provisions of the State laws authorizing the making of temporary appointments to the Senate are to be completely controlling with respect to the duration of such appointments no matter what conditions such laws impose. If, for example, a State law should provide that the Governor could make a temporary appointment which would last until such time as the successor to the appointee was sworn in as a Senator, or until a specified day, the argument would be that the provisions of the State law would govern. However, this argument seems to disregard not only the spirit of the seventeenth amendment and the purpose for which it was adopted, but also the specific limitation in the amendment itself that the legislature of any State may empower its executive to make temporary appointments 'until the people fill the vacancies by election.'

"The fact that 30 States have in effect restricted the duration of such temporary appointments to the period between the making of the appointment and the election of the successor to the appointee would seem to indicate that the limitation contained in the amendment should not be disregarded. On the other hand, in 15 States the statutory provisions relating to temporary appointments to the Senate are apparently broad enough to permit an appointee to hold office for some period beyond the day his successor is elected, although it is believed that on an analysis of some of these provisions at least a different interpretation as to their scope might reasonably be reached. In any event, there is an apparent conflict between the provisions in the two groups of States, and it would seem that a definite solution might not be reached until an authoritative opinion has been rendered by the courts with respect to the seventeenth amendment."

CONCLUSIONS OF THE COMMITTEE

It is the conclusion of the committee that under the seventeenth amendment to the Constitution of the United States, reading in part, as follows:

"Provided that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct," the term of service of a Senator appointed to fill a vacancy in an unexpired term ends on the day when his successor is elected by the people.

It is the further conclusion of the committee that under the act of Congress of February 13, 1935, in part, reading as follows:

"Provided that when Senators have been elected during a sine die adjournment of the Senate to succeed appointees, the salaries of Senators so elected shall commence on the day following their election,"

the compensation of the appointed Senator ends with the day of the election of his successor by the people.

It is, therefore, the conclusion of the committee that Hon. George L. Berry, late a United States Senator from the State of Tennessee is not entitled to compensation after November 8, 1938.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

S. 1100. A bill for the completion of the construction of the Atlantic-Gulf Ship Canal across Florida; to the Committee on Commerce.

By Mr. ELLENDER:

S. 1101. A bill to amend the Agricultural Adjustment Act of 1938, as amended, with respect to cotton-loan agreements, to make further provision for reduction in the oversupply of cotton in the United States, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. GLASS:

S. 1102. A bill to continue the functions of the Reconstruction Finance Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. THOMAS of Oklahoma:

S. 1103. A bill authorizing the coinage of 50-cent pieces in commemoration of the life, works, and memory of Will Rogers; the Committee on Banking and Currency.

S. 1104. A bill to provide for conveying to the United States the land, buildings, and improvements comprising the Choctaw and Chickasaw Sanatorium and General Hospital; to the Committee on Indian Affairs.

By Mr. MALONEY:

S. 1105. A bill for the relief of Catherine D. Pilgard; to the Committee on Military Affairs.

S. 1106. A bill for the relief of the East Coast Ship & Yacht Corporation, of Noank, Conn.; to the Committee on Claims.

By Mrs. CARAWAY:

S. 1107. A bill to amend the act of June 15, 1936 (49 Stat. 1516), authorizing the extension of the boundaries of the Hot Springs National Park, in the State of Arkansas, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. HOLMAN and Mr. SCHWELLENBACH:

S. 1108. A bill to restrict the exportation of certain Douglas fir peeler logs and Port Orford cedar logs, and for other purposes; to the Committee on Commerce.

By Mr. MILLER:

S. 1109. A bill to amend the act entitled "An act to aid the several States in making, or for having made, certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes," by providing that funds

available under such act may be used to match regular and secondary Federal-aid road funds; to the Committee on Post Offices and Post Roads.

(Mr. THOMAS of Utah introduced Senate bill 1110, which was referred to the Committee on Education and Labor, and appears under a separate hearing.)

By Mr. WALSH:

S. 1111. A bill to amend section 302 of the Tariff Act of 1930 (46 Stat. 686; 26 U. S. C. 1481b), as amended, so as to exempt Guam and American Samoa from internal-revenue taxes; to the Committee on Finance.

S. 1112. A bill to further amend the act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes," approved August 29, 1935, as amended; to the Committee on Interstate Commerce.

S. 1113. A bill to provide for the removal of civil or criminal prosecutions from a State court to the United States district court in certain cases; and

S. 1114. A bill to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, Jarvis Island, Canton Island, Enderbury Island, and for other purposes; to the Committee on the Judiciary.

S. 1115. A bill for the relief of Lt. Malcolm A. Hufty, United States Navy;

S. 1116. A bill to amend section 1860 of the Revised Statutes, as amended (48 U. S. C. 1460), to permit retired officers and enlisted men of the Army, Navy, and Marine Corps to hold civil office in any Territory of the United States;

S. 1117. A bill to provide for the reimbursement of certain enlisted men or former enlisted men of the United States Navy for the value of personal effects lost in the hurricane at the submarine base, New London, Conn., on September 21, 1938;

S. 1118. A bill to provide for acceptance and cashing of Government pay checks of retired naval personnel and members of the Naval and Marine Corps Reserves by commissary stores and ship's stores ashore, located outside the continental limits of the United States; and

S. 1119. A bill to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the Navy and Marine Corps for personal property lost, damaged, or destroyed as a result of the earthquake which occurred at Managua, Nicaragua, on March 31, 1931," approved January 21, 1936 (49 Stat. 2212); to the Committee on Naval Affairs.

By Mr. BONE:

S. 1120. A bill to protect and preserve the salmon fishery of Alaska, and for other purposes; to the Committee on Commerce.

By Mr. CAPPER:

S. 1121. A bill for the relief of Elijah Wallace; to the Committee on Interstate Commerce.

By Mr. KING:

S. 1122. A bill for the relief of Royal Terry, Chris Larsen, Joe Pargis, and S. L. Hinckley; to the Committee on Claims.

S. 1123. A bill to amend paragraph 57 of section 8 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913;

S. 1124. A bill to provide for insurance rates against loss by fire and lightning, and for other purposes;

S. 1125. A bill to provide for the appointment of research assistants in the public schools of the District of Columbia, and for other purposes;

S. 1126. A bill to provide alternative methods of enforcement of orders, rules, and regulations of the Joint Board and of the Public Utilities Commission of the District of Columbia;

S. 1127. A bill to authorize and empower the Public Utilities Commission of the District of Columbia to limit the num-

ber of public vehicles to be licensed and operated as taxicabs in the District of Columbia;

S. 1128. A bill to regulate the practice of professional engineering and creating a board for licensure of professional engineers in and for the District of Columbia;

S. 1129. A bill to amend paragraphs 31 and 33 of an act entitled "An act to amend section 7 of an act entitled 'An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes,' approved July 1, 1902, and for other purposes," approved July 1, 1932; and

S. 1130. A bill to amend Public Law No. 111, Sixty-sixth Congress, entitled "An act for the retirement of public-school teachers in the District of Columbia"; to the Committee on the District of Columbia.

S. 1131. A bill to amend the act of June 7, 1935 (49 Stat. 332), and for other purposes; to the Committee on Military Affairs.

(Mr. KING introduced Senate bill 1132, which was referred to the Committee on Interstate Commerce, and appears under a separate heading.)

By Mr. FRAZIER:

S. 1133. A bill relating to the location of the buildings to be used by the District of Columbia for the inspection of motor vehicles; to the Committee on the District of Columbia.

By Mr. McNARY:

S. 1134. A bill to amend the Revenue Act of 1938 with respect to the credit for dependents; to the Committee on Finance.

S. 1135. A bill granting a pension to John Burkland; to the Committee on Pensions.

By Mr. RUSSELL:

S. 1136. A bill to authorize Federal cooperation in the acquisition of lands for the Fort Frederica National Monument at St. Simons Island, Ga., and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. WHITE:

S. 1137. A bill for the conservation of lobsters, to regulate interstate transportation of lobsters, and for other purposes; to the Committee on Commerce.

S. 1138. A bill granting a pension to Mary Jane Blackman; to the Committee on Pensions.

By Mr. CONNALLY:

S. 1139. A bill to provide for the distribution to needy persons of articles manufactured from certain cotton owned by the United States; to the Committee on Agriculture and Forestry.

By Mr. MINTON:

S. 1140. A bill granting a pension to Pearl Littell Blocher; and

S. 1141. A bill granting a pension to Charity Cooper; to the Committee on Pensions.

By Mr. BULOW:

S. 1142. A bill granting an increase of pension to Frank C. Goings; to the Committee on Pensions.

By Mr. NEELY:

S. 1143. A bill granting a pension to Henry B. Lyons; and
S. 1144. A bill granting a pension to Ruby McIntosh; to the Committee on Pensions.

S. 1145. A bill for the relief of William Luther Amonette, Jr.; to the Committee on Naval Affairs.

By Mr. TYDINGS:

S. 1146. A bill for the relief of the leader of the Naval Academy Band; to the Committee on Naval Affairs.

S. 1147. A bill granting an increase of pension to Mary Watkins; to the Committee on Pensions.

By Mr. SCHWELLENBACH:

S. 1148. A bill extending the provisions of an act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," to W. P. Campbell; to the Committee on Civil Service.

S. 1149. A bill for the relief of Mary J. Blattner; to the Committee on Claims.

S. 1150. A bill to authorize the award of the Purple Heart Decoration to Harry Weingarten; to the Committee on Military Affairs.

S. 1151. A bill to provide that the benefits of the naturalization laws shall not be denied any person because of his having received relief from a governmental agency; to the Committee on Immigration.

By Mr. SHEPPARD:

S. 1152. A bill for the relief of Berthel Christopher; to the Committee on Finance.

S. 1153. A bill granting an increase of pension to Mrs. Francis Holliday Carson; to the Committee on Pensions.

S. 1154. A bill to promote the efficiency of the National Defense;

S. 1155. A bill to provide for probationary appointments of officers in the Regular Army; and

S. 1156. A bill to authorize the transfer to the jurisdiction of the Secretary of the Treasury of portions of the property within the military reservation known as the Morehead City Target Range, N. C., for the construction of improvements thereon, and for other purposes; to the Committee on Military Affairs.

By Mr. HOLMAN:

S. 1157. A bill for the relief of the legal guardian of Roy D. Cook, a minor; to the Committee on Claims.

S. 1158. A bill granting a pension to O. Scott Clark; to the Committee on Pensions.

By Mr. NYE:

S. 1159. A bill to provide for making deductions from the salaries or other compensation of officers and employees of the United States for delinquent personal-property taxes in any State or Territory of the United States, or political subdivision thereof, or the District of Columbia; to the Committee on the Judiciary.

S. 1160. A bill for the relief of Roland Hanson, a minor; to the Committee on Claims.

By Mr. LEE:

S. 1161. A bill to provide for the training of reserve leaders of military bands; to the Committee on Military Affairs.

By Mr. PEPPER:

S. 1162. A bill to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal; to the Committee on Inter-oceanic Canals.

By Mr. McKELLAR:

S. 1163. A bill to exempt employees of certain local telephone systems from the provisions of sections 6 and 7 of the Fair Labor Standards Act of 1938 (with accompanying papers); to the Committee on Education and Labor.

By Mr. HATCH:

S. 1164. A bill for the relief of Nadine Sanders; to the Committee on Claims.

By Mr. McCARRAN:

S. 1165. A bill for the relief of Fred M. Munn; to the Committee on Military Affairs.

By Mr. CAPPER:

S. J. Res. 54. Joint resolution proposing to amend the Constitution of the United States to exclude aliens in counting the whole number of persons in each State for apportionment of Representatives among the several States; to the Committee on the Judiciary.

(Mr. LODGE introduced Senate Joint Resolution 55, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

By Mr. BRIDGES (for himself and Mr. TOBEY, Mr. DANAHER, and Mr. TAFT):

S. J. Res. 56. Joint resolution to repeal certain powers of the President and the Secretary of the Treasury relating to the issuing of \$3,000,000,000 of greenbacks; to the Committee on Banking and Currency.

By Mr. WHITE:

S. J. Res. 57. Joint resolution authorizing the Secretary of War to cause a completion of surveys, test borings, and foundation investigations to be made to determine the advisability and cost of putting in a small experimental plant for

development of tidal power in the waters in and about Passamaquoddy Bay, the cost thereof to be paid from appropriations heretofore or hereafter made for such examinations; to the Committee on Commerce.

PERMANENT STATUS FOR CIVILIAN CONSERVATION CORPS

Mr. THOMAS of Utah. Mr. President, I introduce for appropriate reference a bill amending the Civilian Conservation Corps Act.

The PRESIDENT pro tempore. The bill of the Senator from Utah will be received and appropriately referred.

The bill (S. 1110) to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended, was read twice by its title and referred to the Committee on Education and Labor.

Mr. THOMAS of Utah. Mr. President, the bill which I have just introduced will, if enacted into law, make a most successful recovery feature of the last 6 years a permanent institution. I refer to the Civilian Conservation Corps, which in popularity and utility perhaps has surpassed any of the other emergency services.

The amendment of the law which the bill proposes has been well considered both by its nominal author and some of his legislative associates, and by those charged with administration of the acts since 1933. There is no need here to recount the successes of the C. C. C. The activities of the corps have not escaped even the least observing, and few Senators, if any, have not an intimate knowledge of the working of the camps.

It will be recalled that the life of the C. C. C. has been extended until July 1, 1940. It then is not a desperate matter that its consideration be concluded in the first session of this Seventy-sixth Congress. It is, however, important that we keep abreast of all legislation, as none of us can foresee what momentous problems will rise to consume our time in the future. For this reason and others which shall appear, not the least of which is that the matter was made subject of a message from the President of the United States, I present my amendment at this time.

As prepared, the most important provision in the amendment is that it makes the Civilian Conservation Corps, as it stands, a permanent institution. Unless serious question is raised that is not now in contemplation, there need be no present debate on the advisability of this action. It would be a waste of words to argue the merits of having a C. C. C. in the permanent plan of American life. As a force for rescue, education, and national development it has no social equal. Therefore I shall not take time to defend the broader aspects of a program the efficiency of which is so well known to Senators.

Next, the amendment as prepared is designed to bring the Civilian Conservation Corps, excepting Reserve officers, enrollees, and unskilled labor, within the scope of civil service. This is a departure from the emergency service that has ample precedent in other emergency services which have grown to legislative manhood, and, like the first proposition, speaks for itself.

Finally, the amendment as prepared adopts an official seal, another natural development.

This, in short, is all I have to offer today for the purpose of launching a movement to make the C. C. C. permanent. Similar legislation has been offered in the House of Representatives.

At the risk of seeking to gild the lily, however, I take occasion to express the thought that this amendment does not represent the ultimate in C. C. C. perfection, and that thoughtful work might well be done to perfect the C. C. C. organization. We have before us a real opportunity. It seems almost irreverent to suggest that this organization has weaknesses, or might be strengthened in any way. In truth it would be an affront to Mr. Fechner and his associates to imply in the slightest degree that they have not performed what amounts to a social miracle. I am in dead earnest. The C. C. C. fairly shines with splendid achievement. At least it would seem a miracle, though there are other places

to bestow praise than upon the C. C. C. directorate proper. The War Department was ready, and set about its immense task with its customary calm and efficiency. War departments must not be caught by anything as mild as evolution, and it was not caught off guard. Those of us who saw the mobilization in 1917 and were witnesses to what took place in 1933, realize in the fullest degree the tremendous advance which our Army has made in this regard.

As for the Forest Service, it had a 10-year plan with better preparations than hope, and to this Service the coming of the C. C. C. was but an accidental fulfillment of a sober and studied desire.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Utah. I am glad to yield.

Mr. CONNALLY. Does the Senator's bill provide for military training in the C. C. C. camps?

Mr. THOMAS of Utah. It does not.

Mr. CONNALLY. Why not?

Mr. THOMAS of Utah. Just because it does not provide for it. That question can be properly considered at another time.

Mr. CONNALLY. Personally, I think we ought to have military training in all the C. C. C. camps. It happens that they are potential bases for the training of soldiers. The enrollees have officers in charge of them, but the officers do not drill them.

I make that suggestion to the Senator.

Mr. THOMAS of Utah. Mr. President, that is a matter which will have to be considered when the proper time comes.

Of course, the Forest Service was ready. Success was instantaneous. Therefore, deliberation and comprehensive preparation did dominate even the earliest days of the C. C. C., however much a terse message from the President and a ready public response might have vitalized it. The grazing feature came later, of course, but with scarcely less preparation. The same thing might be said with equal truth of the 601 camps on State, National, and private forests.

At this point I may remind Senators who were present at the first meeting for the consideration of the C. C. C. proposal of an incident which took place at that meeting, to show how completely an idea has grown into something which no one expected.

There was discussion of how work might be done on the private forests. During that discussion I happened to point out that that was not the great problem we imagined, because I said, "If we teach 50,000 young men the vocation of reforestation, those men will find jobs for themselves, and in that way take care of the private forest lands."

What I want to point out is that as soon as I mentioned the fact of 50,000 men doing reforestation work in this country there was complaint and objection. We were told that our country would never stand for a movement of that kind, so large a movement, calling so many men to this type of service; yet, Mr. President, I must call attention to the fact that at one time we had nearly 600,000 men at work in this great institution.

The 355 Soil Conservation camps, the 38 drainage camps, the 33 Biological Survey camps, the 73 national parks or monuments camps, the 237 State parks camps, the 90 grazing camps, the 44 reclamation camps, and the 29 miscellaneous camps of today—all the services of which I have any knowledge—were fully ready to receive men and install camps in fulfillment of specific services which had been conceived of a long, long time in every case. It is well that we plan ahead. Sometimes the fulfillment comes faster than we may expect. Yet, as one who visited dozens of camps in the first year of their creation and who has been interested in the minutest details surrounding C. C. C. life, I should be smug and shirking were I not to analyze what appear to be points of potential development, and respectfully invite committee and floor amendments along some of the following lines:

First, there is the matter of an education for the C. C. C. boy. It is not a kindness to take a young man who had never finished the sixth or seventh school grade, remove him from

a city in which he might with diligence obtain knowledge and credits from at least an evening school, and, instead, place him in a forest or its equivalent, thus delaying this opportunity. Again I hasten to give credit to the C. C. C. administrators for attending to this duty to the very best of their abilities; for we must recognize that, to quote the Director's annual report for 1938:

More than half the States have made arrangements to award elementary-school or high-school certificates to qualified enrollees. One State, Montana, has designated each C. C. C. camp as a technical high school for the accrediting of vocational training and related work.

Here, too, I must call attention to the practice in some of the camps, allowed under the law, of issuing certificates of proficiency when boys have finished certain activities. These certificates have been in very deed, time and time again, an "open sesame" to a job. This is testimony to the work of the organization. It also is testimony to further opportunity on a broader scale; for elsewhere in the report it is implied that the educational level of our C. C. C. boys is what I, as a former educator, would have to term very low.

Of 257,697 juniors selected and accepted in the C. C. C. for the fiscal year 1937, it appears that 156,283, or 60.3 percent, had finished only the elementary school or less. I mean that 60 percent of our boys had finished only the first, second, third, fourth, fifth, sixth, seventh, or eighth grades. A figure of 53.87 percent, or a substantial improvement, is reflected in the fiscal year 1938, yet the number was 136,711 out of a possible 253,776. This is a challenge to the C. C. C. organization and a challenge to Senators. More than half our C. C. C. boys will never get into high school or its equivalent unless the C. C. C. makes it available to them.

I am not complaining. I am merely pointing out the fact that when we turn to do what was done, so far as this body of Congress was concerned, a year ago—making this institution a permanent institution—we want to have some basis for its permanency. Shall we rest the C. C. C. upon the basis of education? Shall we rest it upon the basis of conservation? Shall we rest it upon the basis of military training, as was suggested a moment ago by the Senator from Texas [Mr. CONNALLY]? Shall we find what is the real need and what is the key to this need and place the C. C. C. upon that basis?

Personally, I believe that the greatest influence the C. C. C. has is a human influence, and that in doing that it gives to hundreds of thousands of our young men an opportunity for some social experiences of which they have been deprived, because they never had the opportunity to go to a high school or a college, to go into the Army or into the Navy, or to do any work in which they are taught teamwork with other men, which, of course, is the very essence of any democratic principle. Therefore, in the establishment of a permanent institution it might be well for us to think of the various bases upon which we wish to rest it and make that institution what the American public want it to become.

The task is very great and must be recognized as such. I recommend that studies be made and careful means be developed to make education in the C. C. C. a universal opportunity. The C. C. C. may be in a position to struggle through on its own initiative; certainly it has made great strides. But if it needs our help in making the proper legislative pattern, it should have it. Perhaps Senators will find the War Department should be relieved from its position as head schoolmaster to the boys, and the Commissioner of Education given a more direct responsibility. Proper hearing and consultation only will reveal the need, if any.

Every consideration should be given to a permanent policy for selecting junior enrollees. Humiliation of a youth as a condition precedent to acceptance for enrollment should prove, on study, to be unnecessary. A rule requiring extraction from relief rolls is at least harsh. I have previously written to President Roosevelt in expression of such an attitude, and obtained from this great humanitarian an expression of sympathy and willingness to share the problem. How

may we determine otherwise need and fitness? I ask Senators to share the problem with us.

I am not altogether converted to the policy of an inflexible allotment of 10-percent enrollment of World War veterans. Past rushes of World War veterans for this opportunity would indicate the figure has been too low, that a higher percentage should have been admitted. We know that 10 to 20 years from now veterans will not need a quota as high as 10 percent. This figure should be fixed annually by the director on advice of many consultants, including experts from the Veterans' Administration and the War Department.

I have informal advices to the effect that the fair-haired favorites for military service with the C. C. C. are the Thomason Act boys; in other words, Reserve officers who have just completed 1 year of active duty with the Regular Army and are surely efficient. Also junior officers are favored because we can engage more of them for the same money. There is nothing, however, to prevent our consideration of dispensation of these coveted posts.

Perhaps it is the Reserve officer who has had little active duty who needs it most, both for his own benefit and that of a Government which needs, if it needs Reserve officers at all, Reserve officers who have had experience in handling men, or boys, in this instance, and directing their welfare in camp, in short, the greatest training for the greatest number. Moreover, rank is relatively unimportant in a C. C. C. organization, for it is not a military institution, and if a captain, major, or colonel of Reserves wishes to do the work for a lieutenant's pay, he should have the opportunity for this leadership and service, and the Government might congratulate itself upon having the use of his matured judgments and sympathetic understanding. Nor should he, of course, be demoted from his better grade. It is possible that a C. C. C. camp commander's grade should be substituted for the bars and palm leaves, for after all it is not as lieutenants and captains that the leaders are functioning.

Finally, in this connection, it is wise to preserve the theory of an Army of the United States in the spirit of the National Defense Act, and intermingle Regular Army and perhaps the National Guard officers in this service.

These are nebulous thoughts, and there may be others, but all too important not to be taken into consideration when we face the responsibility for a permanent pattern for the Civilian Conservation Corps. Six years ago the whole proposition was nebulous, we had to act in haste, and a miracle, in all seriousness, was performed. We now are not faced with such hurry, and may not expect to be as lucky, or as inspired, in exercising snap judgments. I therefore urge deliberation and sober study. We have seen the camp idea in many countries. Some of these we do not want to emulate. We have creditably preserved the American ideal. Our task now is to develop it.

Mr. REYNOLDS. Mr. President, I wish to say that I have been extremely interested in what the junior Senator from Utah [Mr. THOMAS] has stated in reference to the Civilian Conservation camps, which are located the length and breadth of the United States. I desire to say to him that I am exceedingly regretful that I was not in the Chamber when he began his remarks, and thus did not have an opportunity to hear all he had to say in regard to this very fine organization. Unfortunately for me, I was detained between here and my office by a delegation of North Carolinians who required my attention. I make this remark in order that my constituents may know that I am on the job and to show them why I was a little late in arriving in the Senate Chamber. [Laughter.]

When I entered the Chamber I made inquiry of one of my colleagues as to the nature of the legislation which the junior Senator from Utah was desirous of having enacted which occasioned his addressing the Senate at this time. I learned that he was desirous of making the C. C. C. organization a permanent one.

In this connection I hope sincerely that if the C. C. C. organization shall be made permanent we will decide at the same time, or later, to bring about the enactment of a bill I

have drafted, and which I shall present to the Senate for consideration, which embodies the idea of providing the boys who are engaged in work at the C. C. C. camps with military training. I know that this organization was hurriedly thrown together in the month, as I recall, of April 1933, at the suggestion of our great chief and our great President, the Honorable Franklin D. Roosevelt.

MEMBERSHIP AND FUNCTIONS OF INTERSTATE COMMERCE COMMISSION

Mr. KING. Mr. President, I introduce a bill for appropriate reference relating to the membership and functions of the Interstate Commerce Commission. I ask that the bill be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, the bill will be properly referred and printed in the RECORD, and the statement submitted by the Senator from Utah will also be printed in the RECORD.

The bill (S. 1132) relating to the membership and functions of the Interstate Commerce Commission was read twice by its title, referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That (a) the Interstate Commerce Commission shall be composed of five Commissioners, to be appointed by the President, by and with the advice and consent of the Senate, after the date of enactment of this act, but each Commissioner in office on such date shall continue to serve as a Commissioner until June 1, 1939. The terms of office of the five Commissioners first taking office after the date of enactment of this act shall expire, as designated by the President at the time of nomination, one at the end of each of the first 5 years after such date. The term of office of a successor to any such Commissioner shall expire 7 years from the date of the expiration of the term for which his predecessor was appointed, except that any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Upon the expiration of their terms of office Commissioners appointed after the date of enactment of this act shall continue to serve until their successors are appointed and have qualified.

(b) Any Commissioner appointed after the date of enactment of this act may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three of such Commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any common carrier subject to the provisions of part I of the Interstate Commerce Act, or owning stock or bonds thereof, or who is in any manner peculiarly interested therein shall enter upon the duties of or continue to hold office as a Commissioner. The Commissioners shall not engage in any other business, vocation, or employment. Each Commissioner shall receive an annual salary of \$12,000, payable monthly. No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission.

SEC. 2. Upon the expiration of 180 days after the date of enactment of this act all powers, duties, and functions of such Commission, under part I of the Interstate Commerce Act, with respect to the following matters, shall cease and terminate:

(1) The initiation by the Commission of investigations, other than those relating to the installation, use, or maintenance of safety devices and systems.

(2) The issuance of certificates of present or future public convenience and necessity with respect to the extension by common carriers of any line, the construction of a new line, or the abandonment of a line or portion thereof.

(3) The ordering of any common carrier to construct, maintain, and operate switch connections with any lateral, branch line, or private sidetrack.

(4) The determination and prescribing of any rate, fare, or charge to be observed by any common carrier, or any classification, regulation, or practice affecting any rate, fare, or charge, to be followed by any common carrier, in connection with the transportation of passengers or property.

(5) The suspension of the operation of any new schedule of rates, fares, or charges, or any new classification, or any new regulation or practice affecting any rate, fare, or charge, or deferring the use of any such rate, fare, charge, classification, regulation, or practice.

(6) The issuance and use by common carriers of scrip or interchangeable mileage tickets.

(7) The granting of authority for any person to hold the position of officer or director of more than one common carrier.

(8) The routing of traffic.

SEC. 3. (a) Upon the expiration of 180 days after the date of enactment of this act, hearings may be held by such Commission for the purpose of determining whether any rate, fare, charge, classification, regulation, or practice of a common carrier subject to part I of the Interstate Commerce Act is or will be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of such part, but such hearings shall be held only after a complaint

made as provided in section 13 of such part I has been filed with the Commission.

(b) If, after a full hearing upon such complaint, the Commission shall determine that such rate, fare, charge, classification, regulation, or practice is or will be unjust or unreasonable, or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of part I of such act, the Commission shall make an order that the common carrier concerned shall cease and desist from such violation to the extent to which the Commission finds the same does or will exist.

SEC. 4. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. KING. Mr. President, the first section of the bill abolishes the existing 11-member Interstate Commerce Commission and establishes a new Commission consisting of only 5 Commissioners, but it is provided, however, that the Commissioners now serving as members of the Commission shall continue in that capacity until June 1, 1939, on which date the new Commission shall take office. The new Commissioners first taking office are to be appointed by the President, by and with the advice and consent of the Senate, for terms of from 1 to 5 years as designated by the President at the time of nomination. The successors of such Commissioners, however, are to be appointed in the same manner but for terms of 7 years, except that the appointee for any unexpired term shall serve only for the remainder of such term. The remaining provisions of this section relate to eligibility for the office of Commissioner, the salary, and the removal power, which makes no material change in the existing provisions of the Interstate Commerce Act.

Section 2 of the bill provides that upon the expiration of 180 days after the date the bill becomes law, all powers, duties, and functions of the Commission, under part 1 of the Interstate Commerce Act, relating to the following matters shall cease and terminate:

First. The initiation by the Commission of investigations, other than those relating to the installation, use, or maintenance of safety devices and systems. Existing law permits the Commission, of its own initiative, without a complaint, to institute an inquiry in any case as to any matter or thing concerning which a complaint could be made before the Commission, or concerning which any question might arise under any of the provisions of part I of the Interstate Commerce Act, or relating to the enforcement of any of the provisions of part I of such act, except the making of orders for the payment of money. The effect of this provision in the bill is to have the Commission act only upon the filing of a complaint alleging a violation of the Interstate Commerce Act.

Second. The issuance of certificates of present or future public convenience and necessity with respect to the extension by common carriers of any line, the construction of a new line, or the abandonment of a line or portion thereof.

Third. The ordering of any common carrier to construct, maintain, and operate switch connections with any lateral, branch line, or private sidetrack.

Fourth. The determination and prescribing of any rate, fare, or charge to be observed by any common carrier, or any classification, regulation, or practice affecting any rate, fare, or charge, to be followed by any common carrier in connection with the transportation of passengers or property. The effect of this provision is to restrict the Commission to action only upon complaint as to the reasonableness or discriminatory nature of any rate, fare, or charge or any classification, regulation, or practice affecting any rate, fare, or charge of a common carrier, in connection with the transportation of passengers or property. This provision of the bill makes the action of the Commission in such matters similar to that authorized by the original Interstate Commerce Act.

Fifth. The suspension of the operation of any new schedule of rates, fares, or charges, or any new classification, or any new regulation or practice affecting any rate, fare, or charge, or deferring the use of any such rate, fare, charge, classification, regulation, or practice.

Sixth. The issuance and use by common carriers of scrip or interchangeable mileage tickets.

Seventh. The granting of authority for any person to hold the position of officer or director of more than one common carrier.

Eighth. The routing of traffic.

Section 3 of the bill relates to the jurisdiction of the Commission with respect to holding hearings for the purpose of determining whether any rate, fare, charge, classification, regulation, or practice of a common carrier is or will be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of part I of the Interstate Commerce Act. Such hearings are to be held only after a complaint has been filed with the Commission for such purpose. The Commission now has the authority to initiate investigations and hold hearings on such matters without a complaint being previously filed.

Section 4 of the bill repeals all acts or parts of acts which are in conflict with the provisions of the bill.

FOREIGN POLICY OF THE UNITED STATES—OPERATIONS OF STABILIZATION FUND

Mr. LODGE. Mr. President, I introduce a joint resolution for appropriate reference, and should like to say in connection therewith that recent developments show how little the American people are being permitted to know about the conduct of their foreign policy.

One of the most important tools in the conduct of foreign relations is the \$2,000,000,000 fund which is used by the Secretary of the Treasury to buy and sell foreign money. Can one imagine any greater power than that of juggling a foreign nation's currency? It actually means that the costs of all the necessities of life may be raised or lowered. Improperly used, this power could make us the most hated nation on earth. There is no precedent in history for taking such liberties with the internal affairs of other nations with whom we are at peace.

Our Government does not divulge the use to which this vast fund has been put. I am therefore introducing a joint resolution requiring Secretary Morgenthau to report as to the manner in which this money has been used, with a complete statement of accounting. Public business should be publicly conducted.

The PRESIDENT pro tempore. The joint resolution of the Senator from Massachusetts will be received and referred to the Committee on Banking and Currency.

The joint resolution (S. J. Res. 55) to promote peace for the United States by requiring the Secretary of the Treasury to report on the operations of the stabilization fund, was read twice by its title and referred to the Committee on Banking and Currency.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL

Mr. WALSH submitted an amendment intended to be proposed by him to House bill 2868, the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place, under the heading "Department of Agriculture", insert the following:

"FEDERAL SURPLUS COMMODITIES CORPORATION

"Fish and shellfish: Of the funds available to the Federal Surplus Commodities Corporation for the fiscal year ending June 30, 1939, \$3,000,000 shall be used by such Corporation for the purpose of diverting surplus fish (including shellfish) and the products thereof from the normal channels of trade and commerce in accordance with the provisions of the act entitled 'An act to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation,' approved June 28, 1937, as amended."

ADDITIONAL REPORT OF A COMMITTEE

Mr. WHITE, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 57) authorizing the Secretary of War to cause a completion of surveys, test borings, and foundation investigations to be made to determine the advisability and cost of putting in a small experimental plant for development of tidal power in the waters in and about Passamaquoddy Bay, the cost thereof to be paid from appropriations heretofore or hereafter made for such examinations, reported it without amendment.

THE SILVER PURCHASE PROGRAM

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD a statement by himself on the subject of the silver purchase program, which appears in the Appendix.]

NATIONAL GRANGE LEGISLATIVE PROGRAM

[Mr. CAPPER asked and obtained leave to have printed in the RECORD the National Grange legislative program, approved at the Seventy-second Annual Convention of the National Grange, Portland, Oreg., November 16-24, 1938, which appears in the Appendix.]

MARKETING OF AGRICULTURAL COMMODITIES

[Mr. MURRAY asked and obtained leave to have printed in the RECORD a letter from Mr. Oscar B. Horsford, of Montana, in relation to the farm problem, which appears in the Appendix.]

THE HITLER SPEECH—ARTICLE BY DOROTHY THOMPSON

[Mr. McKELLAR asked and obtained leave to have printed in the RECORD an article by Dorothy Thompson, entitled "The Hitler Speech," printed in the Washington Post of February 1, 1939, which appears in the Appendix.]

WAGE-HOUR LAW

[Mr. MINTON asked and obtained leave to have printed in the RECORD an editorial from the Indianapolis Times of January 25, 1939, entitled "A Real Wage-Hour Case," which appears in the Appendix.]

ADDRESS BY REPRESENTATIVE STEAGALL AT UNVEILING OF BAS-RELIEF IN HONOR OF SENATOR GLASS

[Mr. BYRD asked and obtained leave to have printed in the RECORD an address delivered by Representative STEAGALL, of Alabama, on the occasion of the unveiling of a bas-relief honoring Senator GLASS in the Federal Reserve Building on December 23, 1938, which appears in the Appendix.]

CONSTRUCTIVE THINKING OF YOUNG AMERICA

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD correspondence written between himself and Miss Barbara Duell, of Hamilton Central School, Hamilton, N. Y., which appears in the Appendix.]

APPORTIONMENT OF REPRESENTATIVES—COUNTING OF ALIENS

Mr. CAPPER. Mr. President, I have today reintroduced a proposal to amend the Constitution of the United States so that when apportioning Representatives in the National House of Representatives aliens who have not completed their naturalization shall not be counted.

The Constitution now provides that in apportioning Representatives among the States, the whole number of persons shall be counted, excluding only Indians who are not taxed. The effect of that provision is to give States with large alien populations additional representation in the popular branch of Congress, at the expense of those States whose population is largely made up of native-born and naturalized citizens.

According to the latest census figures, there are some 14,000,000 foreign-born persons in the United States. Of these nearly 8,000,000 are naturalized citizens. The latter would be counted if the amendment I am proposing should be submitted to the States and should be ratified.

More than 1,000,000 of these foreign-born who have taken out first papers would not be counted under the terms of my amendment until they have taken out final citizenship papers. After that they would be counted the same as native-born Americans.

The census also shows some 4,500,000 foreign-born who have made no move toward becoming citizens, plus one-half million carried in the census reports as having no citizenship records at all.

In other words, there are about 6,000,000 foreign-born in this country, not citizens, who are counted in apportioning Representatives in Congress. In one State alone—New York—there are approximately 1,500,000 foreign-born persons who are not citizens, but who are allowed representation in Congress. If my amendment were a part of the Constitution, admittedly that State would have probably four fewer Representatives in Congress. Those four seats would very properly go to other States. I may mention in passing that New

York State, with such a large foreign-born, unnaturalized alien population, does not allow those persons to be counted in apportioning members of their own State legislature, or assembly, thereby admitting the injustice of basing representation upon foreign-born persons unless and until they have become citizens. A few other States would be similarly affected.

I do not intend to take up the time of the Senate today to discuss this proposal at greater length. It seems to me so perfectly plain that representation should be based upon citizenship as not to require extended argument. Later in the session, when the proposal comes before the Senate—and I hope it will come with a favorable committee report—I shall discuss it more at length. I hope Senators will take occasion to study the merits of this proposal and vote according to their best judgment after such study.

I think it is well to keep in mind that we are spending billions of dollars to provide an adequate national defense and to protect ourselves from the attack of enemies from without and absolutely overlooking the possibility of enemy aliens within our borders. Many of them are active in various un-American activities, working and boring from within.

Let me add, too, that I favor the bill now before Congress which would cancel citizenship of aliens advocating principles such as communism, fascism, and nazi-ism. There is no place in our Nation for any man who does not subscribe to the doctrines embodied in the Constitution and laws of the United States.

(See Senate Joint Resolution 54, introduced today by Mr. CAPPER, which appears under the appropriate heading.)

ADDITIONAL APPROPRIATIONS FOR WORK RELIEF AND RELIEF— CONFERENCE REPORT

Mr. VANDENBERG. Mr. President, I am somewhat confused as to the order of business under which we are now proceeding. If we are still proceeding under the morning hour, I should be very anxious to present a report for immediate consideration. Is this the time to do it?

The PRESIDENT pro tempore. The Senate has passed the point of reports of committees.

Mr. ADAMS. I submit the conference report on the joint resolution (H. J. Res. 83) to provide additional appropriations for work relief and relief for the fiscal year ending June 30, 1939, and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 83) making an additional appropriation for work relief and relief for the fiscal year ending June 30, 1939, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 8, 10, 11, 14, 17, 18, and 19; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In line 1 of the matter inserted by said amendment after the word "Provided", insert the word "further"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "Provided further, That the Administrator shall immediately cause to be made an investigation of the rolls of relief employees on work projects and eliminate from such rolls those not in actual need."; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "\$88,000,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Omit the matter stricken out and inserted by said amendment; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "Provided further, That no funds appropriated in the Emergency Relief Ap-

propriation Act of 1938 or herein appropriated shall be used by any Federal agency, to establish mills or factories which would manufacture for sale articles or materials in competition with existing industries"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 2. Section 9 of the Emergency Relief Appropriation Act of 1938 is hereby amended to read as follows:

"Sec. 9. No alien shall be given employment or continued in employment on any project prosecuted under the appropriations contained in the Emergency Relief Appropriation Act of 1938 or this joint resolution: *Provided*, That no part of the money herein appropriated shall be available to pay any person thirty days after the approval of this joint resolution who does not make affidavit as to United States citizenship, such affidavit to be considered prima facie evidence of such citizenship: *Provided further*, That preference in employment on such projects shall be given in the following order: (1) Veterans of the World War and the Spanish-American War and veterans of any campaign or expedition in which the United States has been engaged (as determined on the basis of the laws administered by the Veterans' Administration) who are in need and are American citizens; (2) other American citizens, Indians and other persons owing allegiance to the United States who are in need."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 4. (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensation or any part thereof is paid from funds authorized or appropriated by the Emergency Relief Appropriation Act of 1938 or this joint resolution, to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part in political management or in political campaigns.

"(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by the Emergency Relief Appropriation Act of 1938 or this joint resolution shall be used to pay the compensation of such person. The provisions of this section shall be in addition to, not in substitution for, any other sections of existing law, or of this joint resolution."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lines 7 and 8 of the matter inserted by said amendment strike out "or any other act of the Congress"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 9.

ALVA B. ADAMS,
CARTER GLASS,
KENNETH MCKELLAR,
CARL HAYDEN,
JAMES F. BYRNES,
FREDERICK HALE.

JOHN G. TOWNSEND, Jr.,

Managers on the part of the Senate.

EDWARD T. TAYLOR,
C. A. WOODRUM,
CLARENCE CANNON,
LOUIS LUDLOW,
THOS. S. McMILLAN,
J. BUELL SNYDER,
EMMET O'NEAL,
GEO. W. JOHNSON,
JOHN TABER,
J. W. DITTER,

Managers on the part of the House.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ADAMS. I yield to the Senator from Kentucky.

Mr. BARKLEY. I understand from the reading of the conference report that all the persons now employed by the W. P. A., or by any of the agencies paid for out of this appropriation, although they are known to have been lifelong American citizens, must make affidavit that they are American citizens before they may continue work.

Mr. ADAMS. That is correct.

Mr. BARKLEY. It strikes me that that is rather a hardship on 3,000,000 persons, all of whom, except 30,000, are known to be American citizens.

Mr. ADAMS. I will explain the situation to the Senator. The joint resolution, as it came from the House, contained a flat provision that no relief should be given to any alien. The General Accounting Office said that if that provision

were continued in the joint resolution, the General Accounting Office would require proof of citizenship by official records before any money could be paid to a citizen. The Senate struck out that provision and restated the provision in the existing law. This provision was inserted in an effort to reach an agreement with the House, so that all that would have to be presented would be the affidavit of the individual himself, and there would be no obligation to provide official records, such as birth certificates or naturalization certificates.

Mr. BARKLEY. I suppose from the parliamentary standpoint the Senate had to make some compromise. However, it seems to me it is quite a hardship to require 3,000,000 persons, all except a few thousand of whom are known to be American citizens, who have lived in their communities practically all their lives, and who have voted, and whom everybody recognizes as citizens, to take the trouble to make affidavits and pay notaries public to acknowledge them in order that they may continue to obtain employment.

I am not criticizing the committee for the provision. It may be that in view of the House language it was necessary to do what was done. However, it is a hardship just the same.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. BYRNES. The situation confronting the conferees was as the Senator from Colorado has stated. Administratively it was extremely difficult for the Works Progress Administration to work under the provision that no alien could be paid, because that provision would have required the production of birth certificates. This modification provides that prima facie evidence is furnished by the production of an affidavit, and it can be worked out much more easily than the other provision. While only 30,000 persons are affected, at \$1,000 a year each \$30,000,000 of the appropriation is involved. I submit to the Senator from Kentucky that the Works Progress Administration can easily have affidavit forms printed and furnished to the employees.

Mr. ADAMS. The provision does not go into effect for 30 days.

Mr. BYRNES. As the Senator from Colorado suggests, the provision will not go into effect for 30 days, so there will be ample time to obtain affidavits. If the affidavit form is printed and furnished there will be no hardship, but the Congress will be enabled to accomplish what it has been trying to accomplish, and that is to prevent the expenditure of \$30,000,000 of this fund to aliens.

Mr. BARKLEY. I should like to ask the Senator another question. From the report of the conference committee I know that the Senate yielded and eliminated one of the amendments which I offered and which was agreed to, making it a violation of the law to solicit contributions from or to assess employees paid by any other appropriation of Congress in addition to this particular relief measure.

I will say to the Senator that my object in offering my amendment was to protect thousands of road hands in this country who are working on Federal road projects, one-half the cost of which is paid by the Federal Government, but over whose appointment the Federal Government has no jurisdiction whatever. I wanted to protect them from the pernicious and wicked practice of being assessed a percentage of their wages in order to raise a campaign fund for some candidate for office. I happen to know of instances in which old-age pension agents appointed by State governments, not by the Federal Government—although half their compensation and half the pensions are being paid out of the Treasury of the United States—were commandeered, assessed, and solicited. If they did not respond they lost their positions, and there was nothing the Federal Government could do about it.

Unemployment insurance under the Social Security Act is financed altogether by the Federal Government, although the appointments to administer the law are made by local authorities over whom the Federal Government has no jurisdiction whatever. There are many others besides these three groups. In the case of unemployment insurance and

old-age pensions, financed in part and sponsored by the Federal Government, the Federal Government does not even reserve the right to pass upon the qualifications of anybody who administers the law. All over the Nation men who are working upon Federal highways, half the cost of which is matched by State appropriations, are left without any protection from the exercise of coercion and intimidation, and from the forcible retention of a part of their compensation in order that campaign contributions may be collected from them. I know instances in which the pay checks of men working upon the roads were cashed by the authority which appointed them. A certain percentage was taken out, and the balance was delivered to the employees.

The object I had in mind in offering my amendment was to protect those groups from the very thing from which we are seeking to protect W. P. A. employees. I think it is unfortunate that in the conference report we have left these persons without any protection whatever, to be the victims of any local authority which desires to levy assessments upon them.

Mr. WALSH and Mr. HAYDEN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado has the floor. Does he yield; and if so, to whom?

Mr. ADAMS. I had yielded to the Senator from Kentucky. If the Senator from Kentucky is through, I shall be glad to yield to the Senator from Massachusetts.

Mr. WALSH. Mr. President, I agree with what the Senator from Kentucky has said. An abundance of evidence was presented to the Sheppard committee describing the very abuses which the Senator from Kentucky describes. I think the recommendations of that committee should suggest legislation to cover the situation of which the Senator complains. He is correct in his statement of the abuses.

Mr. BARKLEY. Of course, I hope that matter will be taken care of in any permanent legislation which we may enact. I do not know when that legislation will be enacted. There is no way to prophesy as to that. Thousands upon thousands of men who are engaged in the administration of Federal laws are subject only to local appointment, and the local appointing authority is not in any way subject to removal or punishment by the Federal Government for engaging in the practices I have mentioned. The men working upon such projects are just as deserving and just as worthy of protection as are men who work upon projects under the W. P. A. or any of the agencies cared for in the joint resolution.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. HAYDEN. I should like to make an observation in connection with any possible permanent legislation. The language written into the amendment offered by the Senator from Kentucky would not fit the road employees he mentions. I will tell the Senator why. Under the Federal Aid Highway Act a State must do the work itself. The men are paid from State appropriations. After the work is done, if the work meets the Federal standard, the Federal Government reimburses the State for a portion of the cost of the highway. So, technically, anyone employed on a Federal-aid highway project, recognized as such, is paid wholly from State funds. Ultimately the State will be reimbursed for its expenditures.

Mr. BARKLEY. That is a matter of administration.

Mr. HAYDEN. No; that is the way the law now reads.

Mr. BARKLEY. Could not the Federal Government advance the money upon a project in which Federal funds are matched by the State, so that simultaneously the two funds would come together?

Mr. HAYDEN. In truth and in fact that is not done, and would not be done. The Senator might think he was accomplishing a certain result, and not accomplish it at all. I am pointing out the facts so that the Senator will realize that in order to meet the situation which he describes we must draw a statute in the light of actual procedure. I agree that the situation of which the Senator complains is grave in many States.

Mr. BARKLEY. That may be true as to the road funds; but it is not true, I think, as to certain other agencies with respect to which the Federal Government puts up a certain percentage.

Mr. HAYDEN. In the case of social security, the Government provides all the money. We know there is no cooperation in that field.

Mr. BARKLEY. That is true.

Mr. HAYDEN. In my judgment, if the amendment of the Senator had been adopted, it would not apply to road workers under the present state of the law.

Mr. ADAMS. Mr. President, I should like to make an explanation.

Mr. BARKLEY. I shall be very happy to have the Senator make an explanation of the conference report. I had intended to ask him about one particular amendment.

Mr. ADAMS. Mr. President, in reference to this particular amendment I wish to give not my own explanation but that which prevailed in the conference committee. The conferees felt that they were dealing with legislation affecting relief limited to 4½ months. They doubted the wisdom of enacting general criminal legislation having no relationship whatever to the question involved in the joint resolution.

Then, as to the particular amendment, waiving the matter of the propriety of general criminal legislation on a measure of this kind, the amendment is of very grave importance, and it was felt that it ought not to be put into the joint resolution without carefully considering the consequences which would ensue.

I followed humbly and faithfully last June the arguments of my distinguished leader and voted with him against the so-called Hatch amendment, for which I received very severe censure on the part of many people in my State. I tried to go along with the leader in this instance, but his movements have shifted too rapidly for the conference committee, and I think that the amendment went beyond what the Senator from Kentucky desired it should accomplish.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. ADAMS. Certainly.

Mr. BARKLEY. My movements have not shifted at all; I entertain the same views now that I entertained then, and I have reiterated them over and over again. At that time I did not believe, and I do not now believe, the W. P. A. workers ought to be segregated into a separate class and dealt with politically in a different fashion from the way in which we should want to deal with all employees of the Federal Government or employees whose compensation is paid out of the Federal Treasury.

I grant that the amendment which I offered, and which was adopted, might be subject to the interpretation that some Senators and others have suggested, that under that language even Jackson Day banquets could not be held and the suggestion made to any Government employee that he should buy a ticket for such a banquet. I think that certainly would be a strained construction of the proposed law. If banquets are given in honor of Andrew Jackson, and if, incidentally, some of the profits made out of them go to pay the deficit in some political party's treasury, it does not seem to me that that would be covered by a provision preventing the solicitation of funds for the purpose of controlling an election. But, be that as it may, my position is that W. P. A. workers are human beings, just the same as everybody else; they are not separable into a group by definition, by inclination, or by character; they are plain, ordinary American citizens, and they ought to be treated as such; they ought to be treated like everybody else; and, while we were undertaking to protect them from the vicious practice of coercion and intimidation and assessment, my desire was that we cover all such practices, whether indulged in by a Federal officer under the control of the Federal Government or by somebody else who is not a Federal officer but is spending Federal money appropriated by Congress to carry on certain work.

Mr. ADAMS. Mr. President, I do not think it is necessary to go into a discussion of that question, because there is a decided difference between the situation of the W. P. A. worker whose livelihood, whose bread and butter, whose shelter, and whose clothes are dependent upon the Federal employees distributing relief, and that of a United States Senator or a United States marshal or a collector of customs. What we sought was to say that no one should in any way seek to use the power he has over the bread and butter of a relief worker to control or influence his vote. That is thoroughly pertinent to the relief joint resolution.

The amendment of the Senator from Kentucky goes so far that no person, regardless of his holding office or not, could solicit or be interested or concerned in soliciting a contribution from any person holding any office or in employment under the Federal Government for the furtherance of any campaign, any political party, or any candidacy. The conference committee felt that the division between the political parties of the United States is a matter of great and fundamental principle. The parties hold their national conventions; they issue declarations of principle; and we go out and argue those principles. In order that we may present our case, it is necessary that there be radio time purchased; it is necessary that space be provided in the newspapers; it is necessary that circulars be printed; it is necessary that public meetings be held; it is necessary that traveling expenses be paid. This amendment would forbid, under penalty, the State chairman in my State asking me to make a contribution to the Democratic State central committee for the purpose of carrying out or seeking to render successful the principles of the Democratic Party, and the same situation would apply to others. We were unwilling, as a conference committee, to say that no man holding office should be permitted—and that is what it amounts to—to make a contribution for the furtherance of the principles for which he stands.

If it were merely a matter of jobs, that would be one thing, but if we are justified in what we say on Jackson Day, we are interested in the furtherance of great public questions; we are advocating fundamental principles; and yet we are being told by this provision that no man active in doing what some of us regard as patriotic work shall be permitted to suggest to a United States Senator, or to a Member of the House of Representatives, or to a collector of internal revenue, or anyone else, that he make a contribution to further the things in which he believes.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. BARKLEY. I am not quarreling with the Senator about the action taken, but it is unfortunate that the conference committee, if they thought the language of the amendment went too far, did not try to work out some language which would cover the situation to which I have called attention. Certainly the amendment itself cannot be subject to the interpretation that anybody, Senator, or any other Federal officeholder, could not voluntarily make a contribution to any cause. There is nothing in the amendment that refers to voluntary contributions.

Mr. ADAMS. No; but the Senator has been in politics sufficiently long to know that one does not get very far by merely putting a voluntary contribution box at some place and waiting for people to come along and make deposits.

Mr. BARKLEY. I have never gotten very far in that way, whether contributions were voluntary or otherwise.

Mr. ADAMS. No; and I have also paid my own expenses.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. ADAMS. Certainly.

Mr. BYRNES. The Senator will also agree, I think, that the conferees were of the opinion that, while it might be desirable to provide a remedy for the situation of which the Senator from Kentucky complains, at the same time we did not want to do something that would bring about the situation referred to by the Senator from Colorado; that a committee of the Senate, after investigation, could devise some language which might accomplish what the Senator from

Kentucky has in mind; that we should not delay the conference report on the relief joint resolution which must be acted upon within the next day or two, in order to assure the Works Progress Administration that they will have the funds necessary on the 7th of February; and that at some other time the Congress can go into the question.

Mr. ADAMS. I now yield to the Senator from Oregon.

Mr. McNARY. Mr. President, when the joint resolution was before the Senate for consideration, the Senator from Idaho [Mr. BORAH] offered an amendment providing an appropriation of \$15,000,000 for the direct relief of those in need. The Senator from Idaho is detained today because of illness. I should like to know what disposition was made of that amendment?

Mr. ADAMS. The amendment of the Senator from Idaho was included in the report of the conference committee. It was approved by the conferees.

Mr. McNARY. I thank the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. O'MAHONEY. Mr. President, do I understand correctly that the conferees have reported a disagreement with respect to amendment No. 9?

Mr. ADAMS. That is correct.

Mr. O'MAHONEY. What recommendation, if any, do the conferees make with respect to that amendment?

Mr. ADAMS. We report to the Senate a disagreement as to amendment No. 9. That amendment is not included in the conference report.

Mr. O'MAHONEY. Mr. President, I move that the conferees be instructed to insist upon amendment No. 9, with an amendment to substitute for the language contained in the original House bill and designated in the print as amendment No. 9 the language which I now send to the desk.

Mr. ADAMS. Mr. President, I suggest to the Senator that amendment No. 9 is not involved in the conference report.

The PRESIDENT pro tempore. The Chair may state that first the conference report must be adopted, and, after that, the Senate may take action with regard to only amendments which are in disagreement.

Mr. O'MAHONEY. Then, I submit a further parliamentary inquiry. Do I understand correctly that the only matter which is now before the Senate is the question of agreeing to the matters upon which the conferees have agreed?

The PRESIDENT pro tempore. That is all that is brought before the Senate by the conference report.

Mr. O'MAHONEY. I desire to make a further parliamentary inquiry. In what manner will it be possible for the Senate to consider amendment No. 9 in order that the Senate may properly instruct its conferees, if it so desires to do?

The PRESIDENT pro tempore. The Chair is under the impression that the only action which may be taken by the Senate with regard to an amendment in disagreement is to ask for a further conference on it; and if the Senate asks for another conference, it may instruct its conferees either to recede from the amendment or to insist on the amendment. The Chair does not believe that at this time, when the joint resolution is in conference, the Senate may adopt an instruction to write a different amendment from that which was adopted by the Senate. On the other hand, there being only one provision on that subject, and that being in the joint resolution as passed by the House, the conferees would have great liberty in rewriting the language of that section.

Mr. O'MAHONEY. Mr. President, I understand, of course, that a parliamentary question is involved in the presentation of the matter which I desire to present; but what I am seeking to develop now is, what the parliamentary status would be if I should surrender the floor, and if the report which has been presented should be adopted. Would it then be in order to move to instruct the conferees?

The PRESIDENT pro tempore. The Chair is of the opinion that the adoption of the report will not foreclose action

by the Senate with regard to the amendment in disagreement.

Mr. O'MAHONEY. Mr. President, would it be within the parliamentary rule for me, immediately after the disposition of the conference report—which, I assume, will be adopted—to rise and make the motion I have just made; namely, to instruct the conferees with respect to amendment numbered 9?

The PRESIDENT pro tempore. The Senator will be recognized by the Chair for the purpose of making any motion he may see fit to make with regard to the amendment in disagreement. As to the ruling the Chair will make on any point of order, that is a matter for future determination.

Mr. O'MAHONEY. Of course I am not asking the Chair to rule now. I merely desire to preserve my right to present the matter after the conference report shall have been acted upon.

With that understanding, I will yield the floor at this time.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Wyoming.

Mr. ADAMS. Mr. President, I wish to say to the Senator from Wyoming that I should like to be recognized after the report is adopted to move that the Senate insist upon its amendment in disagreement and that it request a further conference. That would open the way for whatever rights the Senator from Wyoming may have.

Mr. O'MAHONEY. That is acceptable.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. ADAMS. Mr. President, I move that the Senate insist on its amendment numbered 9 in the printed report and request a further conference with the House on that amendment and that the same conferees be appointed on the part of the Senate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Colorado.

Mr. O'MAHONEY. Mr. President, I move to amend the motion of the Senator from Colorado to the effect that the Senate ask for a further conference and insist upon the substitution for the language in the House measure of the language I have sent to the desk and which I ask may be now stated.

The PRESIDENT pro tempore. The clerk will state the language sent to the desk by the Senator from Wyoming.

The legislative clerk read as follows:

Provided further, That not later than 30 days following the approval of this joint resolution the Works Progress Administration shall so determine and fix the number of hours per month of workers employed upon Works Progress projects that the monthly security wage for workers shall not be lower in any area than that paid to workers in that same occupation in areas of the same general type within the same security-wage region, regardless of variations in county population.

Mr. ADAMS. Mr. President, will the Senator permit me to raise the point of order, so that the matter may be considered?

Mr. O'MAHONEY. If the Senator from Colorado will be good enough to withhold the point for just a moment in order that I may explain my position, then, of course, I shall be very glad to yield to him for that purpose.

Mr. ADAMS. Certainly.

Mr. O'MAHONEY. Mr. President, I offer this amendment in this way at this time because, as the proceedings of the conferees have been reported to me, there is very grave danger that the provision now in our work-relief law protecting the prevailing rate of wages may be seriously impaired.

The conferees, in considering the difference between the two measures—the Tarver amendment and the amendment of the Senate striking it out—almost decided upon this substitute language:

Provided further, That subject to the provisions of section 9 of the Emergency Relief Appropriation Act of 1938, the appropriation herein made shall cease to be available after the expiration of 60

days from the date of the approval of this act, unless, in the meantime, by appropriate administrative order, the hourly rates of pay of relief employees of the same type and performing the same character of work in areas of the same general type are so fixed as to eliminate, as far as possible consistent with local economic conditions, differentials of more than 25 percent in the maximum rates of pay.

The only concession contained in that language to the prevailing rate of wages is the phrase "consistent with local economic conditions." It takes no expert in statutory construction to know that that language would not preserve the prevailing rate of wages.

The amendment which I have sent to the desk and which I explained at some length last Saturday does not affect the prevailing-rate rule. It preserves the prevailing-rate rule, but it abolishes discriminations for which there is no justification whatever in the monthly security wage which is paid in various parts of the country under exactly the same conditions. Therefore I feel that unless the Senate, in an emphatic way, indicates that it does not desire to do away with the differential in any other manner than by dealing with the total sum obtained during the month under the security wage, there will be serious danger of the loss of the prevailing-wage principle.

I now yield to the Senator from Colorado for the purpose of making the point of order he has indicated.

Mr. ADAMS. Mr. President, after the Senator shall have concluded, I desire to take the floor in order to make an explanation.

Mr. NEELY. Mr. President, will the Senator from Wyoming yield to me?

Mr. O'MAHONEY. I yield to the Senator from West Virginia.

Mr. NEELY. I inquire of the Senator from Wyoming whether the substance of the matter which he now asks to have incorporated in the instructions to the conferees is contained in either the joint resolution as passed by the House or the joint resolution as passed by the Senate.

Mr. O'MAHONEY. The joint resolution as passed by the House deals with the subject of the compensation of relief clients. My amendment deals with the same subject. I believe there can be no question that it is altogether germane, if that is what the Senator from West Virginia has in mind.

Mr. NEELY. But has the substance of the Senator's amendment been adopted by either the House or the Senate?

Mr. O'MAHONEY. It has not.

Mr. NEELY. Then, Mr. President, I submit that clearly a point of order would lie against the proposal.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I shall be very glad to yield.

Mr. BARKLEY. This suggestion may not have any effect on the parliamentary situation, but I am informed that this particular amendment is to go back to the House for a vote on whether or not the House will recede. Suppose the Senator's amendment is adopted, and the Senate conferees are instructed to insist on this amendment, and in the meantime the House votes to accept the Senate amendment, which strikes out the whole language, then where shall we be?

Mr. O'MAHONEY. I should say, obviously, that if the House by vote should recede from its position, there would be nothing in conference, and the whole matter would fall, and it would be settled upon the basis of the Senate's action by which the House language was stricken out.

Mr. BYRNES. Mr. President, I suggest that should the House take different action and reject the Senate amendment, the whole question then would be before the conferees.

Mr. O'MAHONEY. Yes; of course. Therefore I am now trying to instruct the conferees, because the chairman of the subcommittee, in charge of the bill, has asked the Senate to insist upon its amendment in disagreement and ask for a further conference with the House upon it. Therefore, I now desire to ask the Senate to instruct the conferees as to what they shall do.

I am told by some of the parliamentary experts here that the conferees of the Senate have greater power than has the

Senate itself; that the conferees may do what they please, but that the Senate may not tell them what to do, which to my mind seems to be an utterly illogical position which cannot be sustained upon any basis of reasoning whatever.

Mr. ADAMS. Mr. President, the Senate amendment in dispute is simply an amendment striking out certain language of the House joint resolution. All that is involved is the question whether or not certain language in reference to differentials, which the House put in, shall be stricken from the joint resolution. I do not see any opening for instructions to conferees other than to recede or to insist at this time.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. ADAMS. In a moment. I wish to raise the point of order that the motion of the Senator from Wyoming is not in order; that it is not possible at this point to instruct the conferees to insist upon matter which is not before the conference committee; that the matter is to be sent to the other House for their action; that the one particular provision is not agreed to; and the question is as to agreement or disagreement with the action of the Senate.

I wish merely to add a word or two, if I may. The question of the prevailing wage, about which the Senator from Wyoming has spoken—

Mr. O'MAHONEY. Mr. President—

Mr. ADAMS. Just a moment.

Mr. O'MAHONEY. I wanted to ask a question before the Senator proceeded with his statement.

Mr. ADAMS. I desire to conclude the statement I have tried to make. The question of the prevailing wage is involved. If the Senate amendment shall not be agreed to, and the House provision shall be agreed to, the prevailing wage will be repealed. To that extent the prevailing wage is involved.

I think it is also well, for the advice of the Senate, to have clear the distinction between the House language and that suggested by the Senator from Wyoming. The House language has to do solely with the fixing of the hourly rate of pay. It does not increase or decrease the aggregate monthly pay of any person upon the relief rolls. The amendment of the Senator from Wyoming deals with the aggregate amount of monthly pay, and does definitely involve a question different from the other. It is not included in any way within the substance of the House language.

For these reasons, Mr. President, it seems to me the point of order should be sustained.

Mr. O'MAHONEY. Mr. President, now may I ask the Senator from Colorado the question which I rose to propound to him?

Mr. ADAMS. Certainly.

Mr. O'MAHONEY. Why does the Senator say that the Senate cannot instruct its conferees?

Mr. ADAMS. I did not say the Senate cannot do so. My motion is that the Senate instruct the conferees to insist on the amendment. What the Senator seeks to do is to make a motion to reconsider the action of the Senate by which an amendment was adopted several days ago, but the time for reconsideration has passed, and the bill has gone to the other House. So that the Senator is now in substance seeking to have the vote of the Senate reconsidered under the guise of an instruction to the conferees as to merely the one question.

The Senator is overstating the situation when he says that apparently conferees have more authority than the Senate has. Conferees have no power in and of themselves. All they do is to make recommendations. If they make recommendations, the recommendations are not binding until they are approved both by the House and by the Senate.

Mr. O'MAHONEY. Mr. President, the Senator comes before this body and makes a motion asking the Senate to instruct him, and he says we may instruct him only in the manner in which the Senator wants to be instructed. I contend its conferees are the agents of the Senate. This body is the master of its own desires; it is the master of its

own legislation; it is the master of its agents, even though those agents be conferees. There can be no logical explanation of the Senator's position; and that is why I interrogate him. The answer to my question is a long, round-about argument about something else. Why cannot the Senate say to a committee of the Senate, "This is the way we want it done"? Now let us have a logical answer to that question.

Mr. ADAMS. I do not imagine we could give an answer which the Senator from Wyoming would regard as logical. We will have to do the best we can.

Mr. O'MAHONEY. The Senator does not know how agreeable I am.

Mr. ADAMS. The fact is that the joint resolution has passed the Senate, and the time for reconsideration has expired under the rules. The only instruction that can be given to the conferees is to stand by the action of the Senate or to recede. In other words, there are two provisions; one the House provision, one the Senate provision. There is no intermediate provision. Under their rules the two Houses can, upon recommendation of conference committees, adopt a modification within the extremes of the difference.

Mr. O'MAHONEY. Let me ask the Senator a question at that point.

Mr. ADAMS. And the Senator's amendment is not within the extremes and it is not before the body.

Mr. O'MAHONEY. That is a different question.

Mr. ADAMS. Conference committees are appointed to adjust. The Senate cannot take the section involved, it cannot take any other section of the joint resolution at this time, and change it.

Mr. O'MAHONEY. Does the Senator say that the conferees have the power to take the language of the House and alter it to suit their pleasure—

Mr. ADAMS. Of course not.

Mr. O'MAHONEY. So long as it is a question between that language and the language of the Senate amendment, which was an amendment to strike out the House provision.

Mr. ADAMS. Senate conferees have no power whatever to alter the language in any bill. They have the right to submit to the Senate their recommendations as to an agreement between the bodies.

Mr. O'MAHONEY. Now, the Senator is not answering the question. Do not the conferees have the power to change the language of a disputed item?

Mr. ADAMS. They do not of their own authority.

Mr. O'MAHONEY. To change it in the report?

Mr. ADAMS. They make a conference report to the Senate, and the Senate may agree or disagree.

Mr. O'MAHONEY. We are discussing a report, are we not?

Mr. ADAMS. No; we are not discussing a report. The report has been adopted.

Mr. O'MAHONEY. The question before any group of conferees is the determination of what changes shall be made in a disputed item. Is not that correct?

Mr. ADAMS. Not exactly. The purpose is to seek to reach an agreement between two bodies which have not agreed.

Mr. O'MAHONEY. And then report?

Mr. ADAMS. And then report for the action of the two bodies.

Mr. O'MAHONEY. Then the conferees in any particular case have the power to make such arrangement as seems in their judgment to be desirable, and report that to either body for acceptance by the body?

Mr. ADAMS. Within the limits of the disagreement.

Mr. O'MAHONEY. Within the limits. The conferees in this particular case were considering, I am advised by one of the conferees, the language which I now read:

Provided further, That subject to the provisions of section 9 of the Emergency Relief Appropriation Act of 1938, the appropriation herein made shall cease to be available after the expiration of 60 days from the date of the approval of this act unless in the meantime, by appropriate administrative order, the hourly rates

of pay of relief employees of the same type and performing the same character of work in areas of the same general type are so fixed as to eliminate as far as possible, consistent with local economic conditions, differentials of more than 25 percent of the maximum rates paid.

Mr. President, the position I take is that it is within the power of the Senate to instruct its conferees that in lieu of this language, which they almost agreed upon—

Mr. ADAMS. Oh, no. The Senator should not say they almost agreed, because there was absolutely no agreement. What the Senator reads was submitted by one member of the conference, and was never even voted upon.

Mr. O'MAHONEY. Then I was misinformed. I was told it was voted upon. But it would have been legally possible for the conferees to have brought that in.

Mr. ADAMS. I am not saying that. Many things are considered by conferees which are outside of the scope of the conference, and are rejected for that reason.

Mr. O'MAHONEY. The question comes down to a simple one, whether or not it is the desire of the Senate to instruct its conferees. I feel that in all logic and fairness the Senate has that power. But I do not desire to pursue the argument upon the point of order further and will be very glad to have the Chair rule.

The PRESIDENT pro tempore. The question raised involves Senate amendment No. 9 in the joint resolution. The amendment of the Senate struck out the House language. The question in conference, or which will be in conference, is as to whether the language of the House provision shall be adopted by the conferees, or whether it is to be stricken out of the resolution or whether the conferees shall adopt compromise language, and report the compromise language to their respective bodies for approval or disapproval.

House Joint Resolution 83 was finally acted upon by the Senate some time last week. That final action was reported to the House, the House agreed to a conference, and conferees were appointed. The question, first, is as to the authority of the Senate in the matter, and, secondly, the authority of the conferees.

The Chair feels that all opportunity for legislation in connection with the House joint resolution ended with the passage of the measure in the Senate. The Senate has often held that it has the right to instruct its conferees—to instruct them, however, as to whether they shall insist upon a Senate amendment, or whether they shall yield on the amendment. The Chair does not believe that an instruction, after a measure has been finally passed by the Senate, can be put in the nature of new legislation which was not adopted by the Senate at the time the measure was under consideration.

The Chair does believe that the conferees have great latitude in a case such as this, because there was no provision adopted by the Senate, such as the provision that the Senate struck out of the House measure. In such cases it has been generally held in this body, and sustained, that the conferees may draft entirely new language, providing it does not go beyond the purpose of the measure or provision and is kept within the scope of the intended legislation. Whatever action the conferees take, however, must be taken by the managers not only on the part of the Senate but on the part of the House, acting as conferees. Their action is not final, of course. It must be agreed to by both the Senate and the House. The Senate has the opportunity to act in the matter when the conference report comes before it for consideration.

The present occupant of the chair feels that it would be improper practice to attempt by instructions to the Senate's conferees to legislate beyond the scope of legislation by either branch of the Congress. Therefore the point of order made by the Senator from Colorado [Mr. ADAMS] is sustained.

Mr. McNARY. Question.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Colorado [Mr. ADAMS] that the Senate further insist on its amendment numbered 9, and ask for a further conference.

The motion was agreed to; and the President pro tempore reappointed Mr. ADAMS, Mr. GLASS, Mr. McKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. HALE, and Mr. TOWNSEND conferees on the part of the Senate.

AMERICA'S FOREIGN POLICY—SECRECY OF COMMITTEE HEARINGS

Mr. NYE. Mr. President, I cannot possibly know what might be the reaction of others to such information as has been recorded before the Military Affairs Committee in executive session of late date. I think that what I say would perhaps to others seem to be a mere tempest in a teapot or, perchance, a mirage. But somehow I cannot refrain from weighing things in the scale of experience. I cannot help placing the developments here in our own country alongside developments a long way from here, and believing that sometimes, at least, 2 plus 2 make 4.

National defense, foreign military purchases, secrecy, talk of quarantines and sanctions, not to speak of Premier Chamberlain's suggestion to Britain the other day that she might support American policies toward dictatorships and democracies, may have me seeing things that others would want to call mere ghosts. I only know, Mr. President, that I have been one of those who have many times wished that we might have known in 1917 what we have come to learn about 1917 since that time. I only know I should never forgive myself were I, a few months or a year or 2 years from now, to have to say that I was in any way responsible for the lack of knowledge of what seemed to be in the making in 1939.

To be charitable and to decide my doubts in a charitable way is my great desire. But I find myself at this moment in a most uncomfortable position. To free myself from that position there is but one alternative for me to pursue, and I here and now give notice of withdrawal from all executive committee meetings of the Military Affairs Committee in its present consideration of national defense measures, and to maintain that withdrawal until such time as a reasonable part of the record, devoid of any military secrets of those meetings, shall be available to the people.

In the meantime, I shall leave with the chairman of that committee my proxy and authorization to vote me in favor of making that record public. I do not wish to appear alarmist in any degree. I seek only to protect myself from a position that is intolerable and completely out of step with what ought to be practice under a democratic representative form of government.

Mr. President, while I am on my feet, I should like to call the attention of the Senate to an address delivered only a little more than 2 years ago by our Chief Executive at Chautauqua, N. Y., a speech which won more applause, I believe, than any campaign speech ever delivered by an American statesman. The President, in that address said, among other things:

I wish I could keep war from all nations; but that is beyond my power. I can at least make certain that no act of the United States helps to produce or to promote war.

He said again:

It is clear that our present policy and the measures—

Meaning the neutrality measures—

passed by the Congress would in the event of a war on some other continent, reduce war profits which would otherwise accrue to American citizens. Industrial and agricultural production for a war market may give immense fortunes to a few men, for the Nation as a whole it produces disaster.

Mr. President, in the light of the contention that is being so freely offered during recent days that there is a fine foreign market available to us in the airplane industry, I desire to repeat this language of 2 years ago spoken by the President:

Industrial and agricultural production for a war market may give immense fortunes to a few men; for the Nation as a whole it produces disaster.

It was the prospect of war profits that caused the extension of monopoly and unjustified expansion of industry and a price level so high that the normal relationship between debtor and creditor was destroyed.

Nevertheless, if war should break out again in another continent, let us not blink the fact that we would find in this country thousands of Americans who, seeking immediate riches—fool's gold—would attempt to break down or evade our neutrality.

They would tell you—and, unfortunately, their views would get wide publicity—that if they could produce and ship this and that and the other article to belligerent nations, the unemployed of America would all find work. They would tell you that if they could extend credit to warring nations, that credit would be used in the United States to build homes and factories and pay our debts. They would tell you that America once more would capture the trade of the world.

It would be hard to resist that clamor; it would be hard for many Americans, I fear, to look beyond—to realize the inevitable penalties, the inevitable day of reckoning that comes from a false prosperity. To resist the clamor of that greed, if war should come, would require the unswerving support of all Americans who love peace.

If we face the choice of profits or peace, the Nation will answer—must answer—"We choose peace." It is the duty of all of us to encourage such a body of public opinion in this country that the answer will be clear and for all practical purposes unanimous.

Mr. President, I think there has been no time when there was greater need for adhering to that kind of language than today.

I ask unanimous consent that the President's address delivered at Chicago on August 14, 1936, may be printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER (Mr. MURRAY in the chair). Without objection, it is so ordered.

The speech referred to is as follows:

[From Washington Post of August 15, 1936]

PRESIDENT ROOSEVELT DECRIES WARFARE IN CHAUTAUQUA SPEECH—GOOD-NEIGHBOR POLICY IS CITED AS EXAMPLE TO ALL LANDS—EFFECTIVE NEUTRALITY HELD TO DEPEND ON WISDOM OF EXECUTIVES
CHAUTAUQUA, N. Y., August 14.—Following is the text of President Roosevelt's speech:

"As many of you who are here tonight know, I formed the excellent habit of coming to Chautauqua more than 20 years ago. After my inauguration in 1933, I promised Mr. Bestor that during the next 4 years I would come to Chautauqua again; it is in fulfillment of this that I am with you tonight.

"A few days ago I was asked what the subject of this talk would be, and I replied that for two good reasons I wanted to discuss the subject of peace; first, because it is eminently appropriate in Chautauqua and, secondly, because in the hurly-burly of domestic politics it is important that our people should not overlook problems and issues which, though they lie beyond our borders, may, and probably will, have a vital influence on the United States of the future.

"Many who have visited me in Washington in the past few months have been surprised when I have told them that personally and because of my own daily contacts with all manner of difficult situations I am more concerned and less cheerful about international world conditions than about our immediate domestic prospects.

"I say this to you not as a confirmed pessimist, but as one who still hopes that envy, hatred, and malice among nations have reached their peak and will be succeeded by a new tide of peace and good will. I say this as one who has participated in many of the decisions of peace and war before, during and after the World War—one who has traveled much and one who has spent a goodly portion of every 24 hours in the study of foreign relations.

"Long before I returned to Washington as President of the United States I had made up my mind that pending what might be called a more opportune moment on other continents the United States could best serve the cause of a peaceful humanity by setting an example. That was why on the 4th of March 1933 I made the following declaration:

"In the field of world policy I would dedicate this Nation to the policy of the good neighbor—the neighbor who resolutely respects himself and because he does so respects the rights of others; the neighbor who respects his obligations and respects the sanctity of his agreements in and with a world of neighbors."

"NEIGHBORS IN PRACTICE"

"This declaration represents my purpose; but it represents more than a purpose, for it stands for a practice. To a measurable degree, it has succeeded; the whole world now knows that the United States cherishes no predatory ambitions. We are strong; but less powerful nations know that they need not fear our strength. We seek no conquest; we stand for peace.

"In the whole of the Western Hemisphere our good-neighbor policy has produced results that are especially heartening.

"The noblest monument to peace and to neighborly economic and social friendship in all the world is not a monument in bronze or stone but the boundary which unites the United States and Canada—3,000 miles of friendship with no barbed wire, no gun or soldier, and no passport on the whole frontier.

"Mutual trust made that frontier. To extend the same sort of mutual trust throughout the Americas is our aim.

"The American republics to the south of us have been ready always to cooperate with the United States on a basis of equality

and mutual respect, but before we inaugurated the good-neighbor policy there was among them resentment and fear, because certain administrations in Washington had slighted their national pride and their sovereign rights.

"In pursuance of the good-neighbor policy, and because in my younger days I had learned many lessons in the hard school of experience, I stated that the United States was opposed definitely to armed intervention.

"We have negotiated a pan-American convention embodying the principle of nonintervention. We have abandoned the Platt amendment, which gave us the right to intervene in the internal affairs of the Republic of Cuba. We have withdrawn American marines from Haiti. We have signed a new treaty which places our relations with Panama on a mutually satisfactory basis. We have undertaken a series of trade agreements with other American countries to our mutual commercial profit. At the request of two neighboring republics I hope to give assistance in the final settlement of the last serious boundary dispute between any of the American nations.

"CITES PEACE IN AMERICAS

"Throughout the Americas the spirit of the good neighbor is a practical and living fact. The 21 American republics are not only living together in friendship and in peace; they are united in the determination so to remain.

"To give substance to this determination a conference will meet on December 1, 1936, at the capital of our great southern neighbor, Argentina, and it is, I know, the hope of all chiefs of state of the Americas that this will result in measures which will banish wars forever from this vast portion of the earth.

"Peace, like charity, begins at home; that is why we have begun at home. But peace in the western world is not all that we seek.

"It is our hope that knowledge of the practical application of the good-neighbor policy in this hemisphere will be borne home to our neighbors across the seas.

"For ourselves we are on good terms with them—terms in most cases of straightforward friendship, of peaceful understanding.

"But of necessity we are deeply concerned about tendencies of recent years among many of the nations of other continents. It is a bitter experience to us when the spirit of agreements to which we are a party is not lived up to. It is an even more bitter experience for the whole company of nations to witness not only the spirit but the letter of international agreements violated with impunity and without regard to the simple principles of honor. Permanent friendships between nations as between men can be sustained only by scrupulous respect for the pledged word.

"In spite of all this we have sought steadfastly to assist international movements to prevent war. We cooperated to the bitter end—and it was a bitter end—in the work of the general disarmament conference. When it failed we sought a separate treaty to deal with the manufacture of arms and the international traffic in arms. That proposal also came to nothing. We participated—again to the bitter end—in a conference to continue naval limitations, and when it became evident that no general treaty could be signed because of the objections of other nations we concluded with Great Britain and France a conditional treaty of qualitative limitations which, much to my regret, already shows signs of ineffectiveness.

"We shun political commitments which might entangle us in foreign wars; we avoid connection with the political activities of the League of Nations; but I am glad to say that we have cooperated wholeheartedly in the social and humanitarian work at Geneva. Thus we are a part of the world effort to control traffic in narcotics, to improve international health, to help child welfare, to eliminate double taxation, and to better working conditions and laboring hours throughout the world.

"WAR ISOLATIONISTS ONLY

"We are not isolationists except insofar as we seek to isolate ourselves completely from war. Yet we must remember that so long as war exists on earth there will be some danger that even the nation which most ardently desires peace may be drawn into war.

"I have seen war. I have seen war on land and sea. I have seen blood running from the wounded. I have seen men coughing out their gassed lungs. I have seen the dead in the mud. I have seen cities destroyed. I have seen 200 limping, exhausted men come out of line—the survivors of a regiment of 1,000 that went forward 48 hours before. I have seen children starving. I have seen the agony of mothers and wives. I hate war.

"I have passed unnumbered hours, I shall pass unnumbered hours, thinking and planning how war may be kept from this Nation.

"I wish I could keep war from all nations; but that is beyond my power. I can at least make certain that no act of the United States helps to produce or to promote war. I can at least make clear that the conscience of America revolts against war and that any nation which provokes war forfeits the sympathy of the people of the United States.

"Many causes produce war. There are ancient hatreds, turbulent frontiers, the legacy of old forgotten, far-off things, and battles long ago. There are new-born fanaticisms, convictions on the part of certain peoples that they have become the unique depositaries of ultimate truth and right.

"A dark old world was devastated by wars between conflicting religions. A dark modern world faces wars between conflicting economic and political fanaticisms in which are intertwined race hatreds. To bring it home, it is as if within the territorial limits

of the United States, 48 nations with 48 forms of government, 48 customs barriers, 48 languages were spending their time and their substance in a frenzy of effort to make themselves strong enough to conquer their neighbors or strong enough to defend themselves against their neighbors.

"OUTLETS BEING FOUND

"In one field, that of economic barriers, the American policy may be, I hope, of some assistance in discouraging the economic source of war and therefore a contribution toward the peace of the world. The trade agreements which we are making are not only finding outlets for the products of American fields and American factories but are also pointing the way to the elimination of embargoes, quotas, and other devices which place such pressure on nations not possessing great natural resources that to them the price of peace seems less terrible than the price of war.

"We do not maintain that a more liberal international trade will stop war, but we fear that without a more liberal international trade war is a natural sequence.

"The Congress of the United States has given me certain authority to provide safeguards of American neutrality in case of war.

"The President of the United States, who, under our Constitution, is vested with primary authority to conduct our international relations, thus has been given new weapons with which to maintain our neutrality.

"Nevertheless—and I speak from a long experience—the effective maintenance of American neutrality depends today, as in the past, on the wisdom and determination of whoever at the moment occupy the offices of President and Secretary of State.

"It is clear that our present policy and the measures passed by the Congress would in the event of a war on some other continent, reduce war profits which would otherwise accrue to American citizens. Industrial and agricultural production for a war market may give immense fortunes to a few men, for the Nation as a whole it produces disaster. It was the prospect of war profits that made our farmers in the West plow up prairie land that should never have been plowed, but should have been left for grazing cattle. Today we are reaping the harvest of those war profits in the dust storms which have devastated those war-plowed areas.

"It was the prospect of war profits that caused the extension of monopoly and unjustified expansion of industry and a price level so high that the normal relationship between debtor and creditor was destroyed.

"Nevertheless, if war should break out again in another continent, let us not blink the fact that we would find in this country thousands of Americans who, seeking immediate riches—fool's gold—would attempt to break down or evade our neutrality.

"They would tell you—and, unfortunately, their views would get wide publicity—that if they could produce and ship this and that and the other article to belligerent nations, the unemployed of America would all find work. They would tell you that if they could extend credit to warring nations that credit would be used in the United States to build homes and factories and pay our debts. They would tell you that America once more would capture the trade of the world.

"DUTY TO STEM PROFITING

"It would be hard to resist that clamor; it would be hard for many Americans, I fear, to look beyond—to realize the inevitable penalties, the inevitable day of reckoning that comes from a false prosperity. To resist the clamor of that greed, if war should come, would require the unswerving support of all Americans who love peace.

"If we face the choice of profits or peace, the Nation will answer—must answer—"We choose peace!" It is the duty of all of us to encourage such a body of public opinion in this country that the answer will be clear and, for all practical purposes, unanimous.

"With that wise and experienced man who is our Secretary of State, whose statesmanship has met with such wide approval, I have thought and worked hard and long on the problem of keeping the United States at peace. But all the wisdom of America is not to be found in the White House or in the Department of State. We need the meditation, the prayer, and the positive support of the people of America who go along with us in seeking peace.

"No matter how well we are supported by neutrality legislation, we must remember that no laws can be provided to cover every contingency, for it is impossible to imagine how every future event may shape itself. In spite of every possible forethought, international relations involve of necessity a vast uncharted area. In that area safe sailing will depend on the knowledge and the experience and the wisdom of those who direct our foreign policy. Peace will depend on their day-to-day decisions.

"ERRORS OF PAST APPARENT

"At this late date, with the wisdom which is so easy after the event and so difficult before the event, we find it possible to trace the tragic series of small decisions which led Europe into the Great War in 1914 and eventually engulfed us and many other nations.

"We can keep out of war if those who watch and decide have a sufficient detailed understanding of international affairs to make certain that the small decisions of each day do not lead toward war, and if, at the same time, they possess the courage to say 'no' to those who selfishly or unwisely would let us go to war.

"Of all the nations of the world today we are in many ways most singularly blessed. Our closest neighbors are good neighbors. If there are remoter nations that wish us not good but

ill, they know that we are strong; they know that we can and will defend ourselves and defend our neighborhood.

"We seek to dominate no other nation. We ask no territorial expansion. We oppose imperialism. We desire reduction in world armaments.

"We believe in democracy; we believe in freedom; we believe in peace. We offer to every nation of the world the handclasp of the good neighbor. Let those who wish our friendship look us in the eye and take our hand."

Mr. LEWIS. Mr. President, will the Senator yield to me for an interruption?

Mr. NYE. I shall be happy to yield.

Mr. LEWIS. Having read the address delivered at Chicago by the President of the United States as well as the one from which the Senator has just read, may I ask the able Senator if he feels that there has been any change in view on the part of the President? Is the Senator able to see anywhere any course, policy, or views different from those held by the President at the time the President delivered his addresses.

Mr. NYE. Since I am a member of the Senate Military Affairs Committee, in which the Senator from Illinois also has membership, I hope very much that he will excuse me from answering that question at this time at least.

Mr. LEWIS. Mr. President, I did not think it would embarrass the Senator to have that question asked him by a fellow member of the Military Affairs Committee. I merely thought that he was expressing a view which now takes the form of some doubt. I will, of course, at a later time express any viewpoint I have upon the subject, and will not further interrogate the able Senator from North Dakota at this time.

Mr. CLARK of Missouri. Mr. President, I was unable to hear the beginning of the remarks of the Senator from North Dakota [Mr. NYE] by reason of the fact that I was temporarily called from the Chamber to confer with a caller. Upon my return to the Chamber from a temporary absence I am informed that the Senator from North Dakota stated that it was his intention to participate no further in executive hearings of various committees in the Senate, and particularly the Military Affairs Committee. I should like to ask the Senator from North Dakota if that statement is correct, I not having had the opportunity of hearing his exact statement.

Mr. NYE. I not only announced an intention to withdraw from further executive committee meetings dealing with the national-defense issue, but announced that I was withdrawing until such time as the committee should see fit to make available to the public that part of its executive record which is devoid of any compromise of any military secret.

Mr. CLARK of Missouri. I should like to say that on that point I agree most heartily with the protest of the Senator from North Dakota against holding under the seal of secrecy, in executive sessions of committees of either the Senate or the House of Representatives matters not involving military secrets of the United States.

Mr. President, it has been my observation and experience that executive sessions of any committee do not remain executive. Always and inevitably leaks from such sessions occur, not only leaks of such things as took place, but leaks of things that did not take place; not only of things that were said, but of things that were never said. In other words, instead of being permitted to hear what was said, to see the actors in the picture, and to draw their own conclusions, the American people, the sovereign masters of the Congress and of every branch of the Government in this country, are allowed to have leak out to them in garbled form what may have taken place.

A few days ago the Committees on Military Affairs of the Senate and the House were called into an extraordinary meeting to hear a discussion by two distinguished American Ambassadors, and to be instructed on the international situation.

The thought occurred to me, as it did to other members of the committee, that if the international situation was so acute and the crisis so grave as the extraordinary session would have seemed to indicate, it was a remarkable thing that the two Ambassadors at the same time were putting in a month's holiday at some point far from the scene of their

official labors, lolling on the sands in Florida. Nevertheless, the joint session was held; and the distinguished chairman of the Senate Military Affairs Committee, the Senator from Texas [Mr. SHEPPARD], and the distinguished chairman of the House Military Affairs Committee, Mr. MAY, of Kentucky, impressed upon us the seal of secrecy.

Before I had time to return to my office on the Senate side of the Capitol there had been half a dozen calls from newspapermen, and in the next 15 minutes I received half a dozen more. I told them that I was under the seal of secrecy. They said that they already knew that so-and-so had been said, and they advised various Senators, including myself, that the members of the House committee were talking. I do not doubt that similar representations were made to House members as to the actions and expressions of Senators. So far as I was concerned, I refused to discuss the matter, or to affirm or deny anything that was said.

The result of the whole incident, Mr. President, was that not only did much that the two Ambassadors had said leak out to the newspapers, but a considerable modicum of things that the two Ambassadors had not said leaked out to the newspapers. Unfortunately, it was the things the two Ambassadors did not say as to the imminence of war that won the newspaper headlines; and because the members of the committees were not willing to discuss things that happened in an executive session, or had their hands tied, the newspapers, the magazines, and the intelligence of this country and of the world have taken a garbled account of what happened in the meeting as having the semblance of truth.

Mr. President, so far as I am concerned, if I had been at liberty to discuss what went on in that meeting, I should have said to the newspapers what I now say in my place in the Senate on my responsibility as a Senator—that I think the visit from those two Ambassadors was an outrageous attempt to stampede the Military Affairs Committees of the Senate and of the House with respect to an international situation with testimony which simply reflected the views of those two Ambassadors.

In the past week or 10 days we have been conducting very important hearings in the Military Affairs Committee of the Senate, in executive session. Nobody has sought to develop any military secrets in those hearings, and I am satisfied that I speak for the whole Committee on Military Affairs when I say that nobody ever will try to develop any military secrets in one of those hearings. Some very important matters have been brought up, partly by accident, which go to the whole foreign policy of the United States. I say that no suggestion has been made for developing any military secret. I will go further and say that so far as the mechanical features of airplane construction are concerned, I do not think any member of the Military Affairs Committee of the Senate or of the House is capable of developing a military secret as to the construction of airplanes, or of understanding it if he did develop it.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Arizona.

Mr. HAYDEN. Does the Senator make any distinction between a hearing held in an executive session of a committee, such as the Committee on Appropriations, which, when the bill is brought before the Senate, is then made public, and a hearing held over in the large caucus room, where all the press is invited, and where much time is taken up with press photographs and publicity?

Mr. CLARK of Missouri. I agree entirely with the Senator from Arizona. I should like to say in that connection that I very much regret and deplore the growing tendency, apparently, to turn congressional hearings into hippodrome performances and vaudeville shows in the way the Senator has suggested. I agree entirely with him.

So far as proceeding in executive session is concerned, I have absolutely no objection to that course. The only subject of my remarks is that I say that when the Congress of the United States is called upon to appropriate vast sums of money—incidentally involving also the adoption of what may

be a settled foreign policy or a foreign policy of far-reaching consequences—the members of the Military Affairs Committee, or the Foreign Affairs Committee, or of the Appropriations Committee, or of the Naval Affairs Committee, or any other committee of this body, have no more right to be informed of the essential facts than has every other Member of the Senate of the United States who also votes upon such proposals under his responsibility as a Senator. Also the Senate as a whole has no more right to be informed of the essential facts going to make up our national policy than have the whole people of the United States.

Mr. President, I had not intended to address the Senate on the subject at this time until I was informed of the remarks of the Senator from North Dakota [Mr. NYE]. I merely desire to say that I hope the Senator from North Dakota will not withdraw from the proceedings of the Senate Committee on Military Affairs until the next meeting, which I understand is to be on Friday. At that time it is my intention to offer a motion in that committee to make public, so far as it has been developed, the record with regard to the whole question of the sale of airplanes to foreign powers. If that motion is defeated in the committee, it is my intention to bring the subject before the Senate in any parliamentary way I may be able to devise.

Mr. NYE. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from North Dakota.

Mr. NYE. For the information of the Senator I should like to repeat what I have already said; namely, that in withdrawing from executive meetings of the committee I have authorized the chairman of the committee to exercise my vote when the particular issue which the Senator suggests shall arise.

At this point, Mr. President, I desire to suggest the hope that no conclusion will be drawn from anything I have said this afternoon which casts any reflection whatsoever upon the chairman of the Military Affairs Committee of the Senate.

Mr. CLARK of Missouri. I join wholeheartedly in the last remark of the Senator from North Dakota.

Mr. President, what I am speaking about is the habit—the persistent habit—of certain committees of the Senate and of the body at the other end of the Capitol withholding matters in secret session that would be better made matters of public record.

So far as what the Senator from Arizona [Mr. HAYDEN] has said is concerned, I am entirely in sympathy with that. That is a matter of allowing a hearing designed to obtain information for the Senate or the House, as the case may be, to be made into a hippodrome performance, with batteries of flashlights flashing in the eyes of witnesses and with a great corps of newspapermen taking up most of the space in the committee room.

What I am talking about, Mr. President, is the essential fact that for the American people the record itself be made public in due time, and that there shall be no secrets. There is a difference between turning the hearing of a Senate committee into a hippodrome performance and holding it in star chamber with every member of the committee, although he be a representative of a sovereign State, sworn on his oath to use his best judgment to uphold and defend the Constitution of the Government of the United States, going out of the committee hearing with his hands tied, so that he is not free even to get up on the floor and disclose what happened in the committee hearing. It is against that last practice that I am protesting.

ADDITIONAL COPIES OF REPORT OF HOUSE COMMITTEE TO INVESTIGATE UN-AMERICAN ACTIVITIES

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the morning business is closed.

The Chair lays before the Senate a concurrent resolution coming over from the House of Representatives, which will be read.

The concurrent resolution (H. Con. Res. 5) was read, as follows:

Resolved, etc., That there be printed 25,000 additional copies of House Report No. 2, current Congress, entitled "Investigation of

Un-American Activities and Propaganda," of which 3,000 copies shall be for the use of the Senate document room and 22,000 copies shall be for the use of the House document room.

Mr. HAYDEN. Mr. President, I ask that the Senate concur in the House resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE FIRST CONGRESS OF THE UNITED STATES

The PRESIDING OFFICER laid before the Senate a concurrent resolution (H. Con. Res. 4) coming over from the House of Representatives, which was read, as follows:

Resolved, etc., That in commemoration of the one hundred fiftieth anniversary of the First Congress of the United States under the Constitution, begun and held at the city of New York on Wednesday, the 4th of March 1789, the two Houses of Congress shall assemble in the Hall of the House of Representatives at 11 o'clock a. m., on Saturday, March 4, 1939.

That a joint committee consisting of five Members of the House of Representatives and five Members of the Senate shall be appointed by the Speaker of the House of Representatives and the President of the Senate, respectively, which is empowered to make suitable arrangements for fitting and proper exercises for the joint session of Congress herein authorized.

That invitations to attend the exercises be extended to the President of the United States and the members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the General of the Armies, the Chief of Staff of the Army, the Chief of Naval Operations, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard, and such other persons as the joint committee on arrangements shall deem proper.

That the President of the United States is hereby invited to address the American people at the joint session of the Congress in commemoration of the one hundred fiftieth anniversary of the First Congress of the United States under the Constitution.

Mr. BARKLEY. Mr. President, I ask that the House concurrent resolution be considered at this time. I will say that the concurrent resolution provides for the appointment of a joint committee of the House and Senate to consist of five members from each body to arrange for the commemoration on the 4th of next March of the one hundred and fiftieth anniversary of the beginning of the American Congress. I think it would be a very fitting thing for the two Houses to meet in joint session at that time and participate in appropriate ceremonies to celebrate the one hundred and fiftieth anniversary of the beginning of the American Congress. I ask that the resolution be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The concurrent resolution was agreed to.

AMERICA'S FOREIGN POLICY—SECRECY OF COMMITTEE HEARINGS

Mr. BARKLEY. Mr. President, I wish to say just a word or so in regard to the remarks of the Senator from North Dakota [Mr. NYE] and the Senator from Missouri [Mr. CLARK].

I am not a member of the Military Affairs Committee, and I do not know what has transpired in the committee with respect to any of its hearings. We all have recognized for a long time that it is entirely within the province of any committee holding hearings upon an important matter to decide for itself whether the hearings shall be open or secret. I am assuming that the Military Affairs Committee in determining in the particular instance and up to now to hold closed hearings have been actuated by the feeling that in such hearings might be developed expressions of opinions or facts which, at least for the time being, ought not to be made public.

I am a great believer and have always been a great believer in publicity. I voted here time after time to remove from the executive sessions of the Senate the veil of secrecy and to hold such sessions in public, in order that any reason that might be advanced for the rejection of any appointee of the President might be discussed openly, always, of course, with the reservation in which, I think, the Senate itself concurred, that if on any occasion there was any reason why the discussion of a man's character or anything

pertaining to his fitness was of such a peculiarly personal nature that it ought to be conducted behind closed doors the Senate would have the right so to order. I do not think that is an unreasonable exception. It so happens, I think, that since we provided for open executive sessions there has arisen no occasion for going into closed executive session on the nomination of any appointee. I am thoroughly committed, as a general proposition, to publicity in all matters of governmental activity.

We all realize that no one can ever in advance prophesy just what a witness will say in a committee or the reaction that a remark made by men high in authority may have in the public press and therefore upon the public. I have attended open hearings, and I dare say most of the Members of the Senate have, where unexpectedly and without premeditation, something has occurred that gave tone or character to the testimony that diverted it from its original purpose and offered an opportunity for headlines that were entirely misleading insofar as the facts were concerned.

Mr. CLARK of Missouri. Mr. President, will the Senator yield at that point?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. I should like to say to the Senator that I understand entirely and I agree exactly with his position with regard to the matter of holding open hearings, and the rule has been adhered to, so far as I know, by every committee of which I have ever been a member in this body or have ever known anything about. That is to say, that where, in the course of a hearing, an important governmental matter was discussed, that at the suggestion of the witness or the suggestion of the chairman of the committee, as has happened in the Military Affairs Committee several times during its hearings, there was developed anything that was even remotely considered to disclose a governmental secret of any sort, it was not only held executive but left off the record. That, however, is not the proposition to which I was addressing myself in my remarks a few moments ago. I was addressing myself to the point that, after a hearing has been conducted in such fashion as not to involve the disclosure of the statement of a witness of anything of the sort, that the Senator has just indicated, the members of the committee themselves ought not to go out with their hands tied concerning a hearing held in a secret session as to the whole record about which, perhaps, the Senate or the country ought to know.

Mr. BARKLEY. Of course, that brings up the question that always concerns us here of how these leaks occur. I do not know.

Mr. CLARK of Missouri. Mr. President, will the Senator yield on that point?

Mr. BARKLEY. I will yield in a moment.

I agree with the Senator's viewpoint that when a committee is holding a secret session no member of the committee ought to go out and divulge what has transpired, and I am sure, of course, that no Senator so believing would in the remotest degree be guilty of divulging it, but it is an exasperating fact that in some way either garbled or truthful repetitions of what happens in committee get into the press. It may be a strange statement to make, but so far as any secrets are concerned, either military or diplomatic, I am not so much disturbed about garbled statements that go into the press as I am about truthful statements that might go into the press concerning actual secrets, either military or diplomatic, because the importance of preserving secrecy with respect to military secrets or diplomatic secrets is not to keep them from the American people but to keep them from the people of other nations who may profit by the knowledge they thus obtain. If there were some way to insulate the American Nation so that information to which the American people might be entitled and which they will be glad to have could be given to them alone and not be percolated into the chancelleries and military headquarters of other nations, it might be a different proposition.

Mr. CLARK of Missouri. Mr. President, will the Senator yield there?

Mr. BARKLEY. I will yield in a moment, but the theory upon which we preserve secrets is that information shall not be divulged to other nations.

Mr. CLARK of Missouri. Mr. President, I understand what the theory is; but the fact is that apparently all the information about our own national affairs percolates into the chancelleries and various other agencies of Europe and every other country in the world, and the only people who are to be insulated and protected from the facts are the American people.

Mr. BARKLEY. The same representatives of publicity agents who percolate it into other nations can percolate it into the American people because they have access to it in the first instance, if they get it at all. The point is that I do not think a committee of the Senate dealing with military matters is to be criticized because it decides to hold secret sessions, and the attitude of the Senator from North Dakota withdrawing from participation in such sessions is, by implication, if not a criticism, at least an expression of his disapproval of that method of procedure.

Mr. NYE. Mr. President—

Mr. CLARK of Missouri. Mr. President, if the Senator will yield, I should like to say to him that I am not going to withdraw; I am going to "stick around."

Mr. BARKLEY. I think the Senator is right; I think it is his duty. I was very glad to be partly instrumental in placing the Senator on that committee—

Mr. CLARK of Missouri. I thank the Senator from Kentucky.

Mr. BARKLEY. Because of his great military knowledge and his service to his country and his patriotic outlook upon matters of that kind. I think the Senator would be probably censurable if deliberately, because the sessions were secret, he withheld his presence and his assistance.

I do not know what the committee ultimately will do with respect to holding further secret sessions or divulging the testimony which it has developed. I am sure it will do whatever it thinks is its duty in that regard.

Now, just one thing about the two Ambassadors to whom the Senator referred.

Mr. NYE. Mr. President, will the Senator yield to me before he touches upon that subject?

Mr. BARKLEY. Yes.

Mr. NYE. I should like to have the RECORD made very clear with respect to my own attitude regarding so-called executive meetings of the committees.

I have no desire to throw the meetings open to the public, or even to the press. What I protest against is fastening an obligation of secrecy upon what transpires during the meetings, even though what transpires there is matter which quite properly might have been left wide open to the press and to the public. For the past 2 weeks we have had examples of how thoroughly distorted truths may become as the result of the enlargement upon them that comes out of these secret sessions.

I repeat, I have no desire to do away with so-called executive sessions of committees, especially the Military Affairs Committee. The same thing certainly would be true especially of the Foreign Relations Committee. I do protest, however, against the element of secrecy which is fixed upon many committee meetings which sometimes prevents the public from getting a reaction and a truth that obviously ought to be theirs.

Mr. BARKLEY. Of course, I realize that it is always difficult for a committee to draw the line between what ought to be kept secret and what ought not to be kept secret; and, of course, it is difficult for an individual member to draw the line properly. What I might regard as being a matter suitable for the public to know might be one thing. What the Senator from North Dakota [Mr. NYE] and the Senator from Missouri [Mr. CLARK] and the Senator from Texas [Mr. SHEPPARD] might regard as something that could be divulged without injuring our country in any way might be another thing. But so long as secret sessions are held, and so long as we have a right to assume that the committee, acting in its own jurisdiction, has a right to determine that

matter, I do not know how we are ever going to change the rule so that, although it is a secret session collectively, it is an open session individually, and each member present in the secret session has a right to go out and divulge what occurred in the secret session.

With respect to the Senator's suggestions about the two distinguished Ambassadors—our Ambassador to France and our Ambassador to England—I do not understand that those gentlemen came here primarily for the purpose of going before the joint session of the two Military Affairs Committees. I do not know whether they came home on leave, or whether they overstayed their leave, or at whose suggestion they appeared before the joint session of the committees; but having traveled a little bit in the world—not so much as my distinguished and able and handsome friend from North Carolina [Mr. REYNOLDS], but having traveled somewhat—I think it would be a good thing if more American representatives to foreign countries should find occasion to come home now and then and keep in contact with the American people, so that they would not lose the American viewpoint, so that they would be in truth and in fact able to represent the people of the United States. I think it would be money well spent if Congress should appropriate enough money to pay the expenses of our representatives to foreign countries in order that they might come home now and then and keep in closer touch not only with our Government but with the American people, so as to be able to convey the American viewpoint.

I do not understand that either Ambassador Bullitt or Ambassador Kennedy of his own initiative and volition went before the joint session of the committees. I am not able to say just how that conjunction of events was brought about; but it was not only their privilege, as I believe, but it was their duty to lay before any committee of the Congress—the Military Committee or the Foreign Affairs Committee—any information which they felt would be of benefit to the American Government and the American Congress in describing what they thought to be the situation in Europe and in other parts of the world which might vitally affect the welfare of our country.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. The Senator says he is not advised as to how these two gentlemen happened to come before the joint meeting of the two Military Affairs Committees. I suggest to him that under the very strict rule of confidence imposed at the time of that joint hearing, no member of either committee is able to inform him. If the Senator will come around here privately, I shall try to whisper in his ear. [Laughter.]

Mr. BARKLEY. I appreciate that, but I do not think it is very vital how the Ambassadors happened to go before the committees.

Mr. CLARK of Missouri. So far as that is concerned, I do not think anything they said was very vital.

Mr. BARKLEY. That is a matter of opinion. I do not know what they said. Therefore, I am not in position to pass judgment on it. However, it is not a matter of any great importance whether acting upon their own initiative they went before the committees to divulge their views of the conditions in Europe in order that we might take advantage of it and give to it any weight that we might see fit to give, or whether they were invited by the committees, or whether they were instructed by higher authority to go before the committees. The Ambassadors had a right to go voluntarily if they thought it was their duty to do so. They had a right to go as the result of a suggestion from anybody or as a result of an invitation from the committees themselves. The point is not how they happened to go before the committees, but whether, as representatives of the American Government, charged with some responsibility toward that Government in keeping it informed not only from the standpoint of the Executive but from the standpoint of legislation, they stated what they feel is going on in the world. I, myself, do not think they are justly entitled to be criticized for appearing

before the committees, no matter who took the initiative in having them appear.

I wish to say also that I think, if the course I have suggested were followed, the Congress would be richer in knowledge, and certainly it would be richer in its outlook upon the problems of the world which affect every man, woman, and child in America. Every morning, before we eat our breakfasts, we read in the headlines what is going on elsewhere in the world. The prices of our products, our commodities, and the security of our lives are bound up in one way or another with what is going on in the world. Whether we like it or not, we cannot completely dissociate ourselves from the events in other nations; and I think no misinterpretation or wrong impression ought to go out here, because of anything that has been said, that we do not welcome any information that can be brought to us from any source that may help us in guiding the destinies of our own country—in trying to chart the course of our ship between Scylla and Charybdis in the eventful days through which we are passing.

Mr. JOHNSON of California, Mr. VANDENBERG, Mr. LEWIS, and Mr. REYNOLDS addressed the Chair.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The Senator from Illinois.

Mr. LEWIS. Mr. President, I rose and addressed the Chair, but I do not feel that this side of the Chamber should monopolize the floor at this time. The Senator from Michigan [Mr. VANDENBERG] preceded me in addressing the Chair. I now yield my position to him or to the Senator from California [Mr. JOHNSON], who likewise preceded me.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. JOHNSON of California. Mr. President, with much that the Senator from Kentucky [Mr. BARKLEY] says I heartily agree; but I think the fundamental question is different from what he has indicated. The fundamental question here is, Shall we be eased into war and our people never know it? Shall we be in the position of men and women who are carried to war without their knowledge, or are we entitled to the knowledge if we are being carried into war?

That is the question, and that is the only question involved.

As the Senator from Missouri [Mr. CLARK] says, if we are carried into this sort of fracas without knowledge upon our part; if, as the Senator from North Dakota [Mr. NYE] says, we must maintain secrecy against everything that may militate against us in the future; then some means should be devised by which secrecy may be eliminated from the Senate of the United States and its committees.

Do Senators realize what the incident which we are now discussing had its genesis in? Do they realize that if it had not been for a freak of fate, no one here would have known that this particular French commission was in this country for the purpose of obtaining planes to be used in warfare? It happened that down in Los Angeles a man who was a member of the French commission went up in an airplane which was designed for warfare, and he went up in it under a name different from that which was his own. He was injured by the crashing of the plane; and then it was discovered, as he was carried into the hospital, very badly injured, that his name was something else than that which he had given, and which was accepted, and under which he was cleared when he entered the plane. Then it was, and then only, that the American people knew that a foreign commission was in this country for the purpose of acquiring airplanes.

We were endeavoring to acquire certain numbers of airplanes ourselves, but, in our generosity and in our benevolence, we were willing to postpone our needs and our requirements to aid a foreign country, and enable it first to acquire the planes which it needed.

These things were unknown to our people until fate intervened. Why were they unknown? Good God, do you not think, Senators, the American people have the right to know if they are going down the road to war? Do you not think the American people, with their experience of the past 20

years, should be informed if their rulers are going to take them even to the brink of war?

Why should they not be informed? They are our masters, and the only master I recognize. Why should they not be informed if such is to be the course to be pursued by their Government?

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. BARKLEY. Regardless of the merits of the incident with respect to the man's name—and I have no way to inject myself into his bosom and interpret his purpose in keeping his name secret—

Mr. JOHNSON of California. I am not referring to that except to indicate the secrecy.

Mr. BARKLEY. I suppose the Senator will not contend that the sale of planes to the French people or the French Government in the present situation is a violation of any treaty, or of any obligation on the part of our country, or of the Neutrality Act, or of international law as it has been recognized for a period of many years.

Mr. JOHNSON of California. Did the Senator understand me to say any such thing?

Mr. BARKLEY. No; I did not.

Mr. JOHNSON of California. Very well, then, why put a rhetorical question?

Mr. BARKLEY. Because if we are doing nothing in violation of international law or in violation of any obligation of ours, if we are doing what our people have always done under the rules of international law, selling products to other nations which are not at war, how is such a sale automatically to drag us into war, as the Senator seems to fear?

Mr. JOHNSON of California. The Senator misstates the real point in the argument. It is the question of secrecy, the question of keeping from the American people just what is being done in respect of matters of this sort, and the possibilities of sales of planes and sales of other munitions of warfare, matters which the Senator understands as well as I do, and I do not need to descant upon them. He understands that from a simple beginning may be an ending that is horrible in its nature.

The point of my objection is that we are entitled to know when you are going to take us along this road, and we are entitled to know when we are being taken along this road. For that I do criticize you, and for that alone.

Mr. LEWIS obtained the floor.

Mr. SHEPPARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Texas?

Mr. LEWIS. I yield.

Mr. SHEPPARD. I wish to say that the Senate Committee on Military Affairs has as yet made no decision to keep the proceedings before it permanently secret. In fact, in every recent meeting members of the committee have informally discussed the question as to when it would be advisable to give publicity to what has taken place. The fact is that up to this time the printed transcript of the proceedings before the committee are not back from the Printing Office.

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me?

Mr. SHEPPARD. I yield.

Mr. CLARK of Missouri. I wish to endorse to the fullest extent what the chairman of the committee has stated. I should like to say also that in every way the chairman of the committee has been more than fair in seeking the expression of the views of all members of the committee, and more than fair in entertaining various witnesses who have been before the committee.

Mr. SHEPPARD. I thank the Senator.

Mr. CLARK of Missouri. I should like to say further that on two or three occasions I personally have given notice that I intended at the proper time to move to make the hearings public.

Mr. SHEPPARD. That is correct.

Mr. CLARK of Missouri. And I state now that I intend at the next regular meeting of the committee, which I understand will be on Friday, to make such a motion.

Mr. SHEPPARD. I wish to add that the situation is as the Senator from Missouri has stated it. The members of the committee have reached no definite decision as to whether the proceedings shall be published. Neither have they decided that the proceedings shall be kept secret permanently. The only question is as to when the committee thinks it is desirable to give them publicity.

Mr. CLARK of Missouri. Of course, the Senator will admit that in the meantime the members of the committee have been standing by with their hands tied while various statements have been published in the newspapers of the United States as to what was going on in the committee. That is correct, is it not?

Mr. SHEPPARD. The newspapers have published conflicting statements about what has been going on; and that is one of the disadvantages of secret hearings.

Mr. LEWIS. Mr. President, I beseech the Senate to indulge me for a few moments that I may refer to some allusions by the Senators who have addressed the body. These touch some phases of the present international situation. These statements I fear may receive a misunderstanding—possibly a misinterpretation, by the public—by our countrymen.

The references to the two gentlemen who are our Ambassadors do not concern me as to their personal life. I know both Ambassadors. I lately have been in Europe, as is known, engaged in an incidental Government mission not of great importance. In this I was thrown constantly and daily, during my short stay in England, with our Ambassador, Mr. Kennedy, who is now in this country. I am pleased to tell my colleagues that however much I differ from some of the views expressed by the able Ambassador as I read them his standing in England is of such high character that, judging by the temper of expressions in his behalf should he conclude to transform himself to a citizen of England, he would be made a member of the House of Lords.

As to Mr. Bullitt, it has been noted that from time to time he has been called for throughout France for addresses upon matters which touch French history and the past record of the French people. These things merely indicate the personal regard in which the French have come to hold him and those into whose hands we have committed our country and its fortunes in England and France.

Mr. President, what I fear is that some of these expressions from our Senators might indicate that this honorable body, which confirmed these two appointees, has lost some respect or confidence in their services. Nothing of the kind is true. Nothing of the kind, I am sure, is intended by the Members of this body whose observations have in the last few moments interested us.

I turn for a second to the Committee on Military Affairs. I pay tribute to the able chairman, duplicating and adding strength to the expressions of the Senator from Missouri [Mr. CLARK] and the Senator from North Dakota [Mr. NYE].

Mr. President, the theory of preserving for a while in the Military Committee a form of executive secrecy is not because of what the committee does, if I may be permitted to so remark to my able friend the distinguished Senator from California [Mr. JOHNSON], it is because of expressions and conduct on the part of witnesses who may come before the committee, and to whom questions—interrogations of a very serious character, may be addressed by members of the committee—who, feeling that they have information of a very salutary nature, and possibly of a very weighty character, convey to the witnesses an impression of what appears to be the effect of that information. That conclusion goes out to the country as an expression of the committee, and oftentimes is imputed to those in authority—the War Department or the President.

To avoid that misconception is the purpose of the honorable chairman, and of the rule of limited secrecy of the committee. It was decided—and I am sure the chairman will concur with me in the statement—that when we reached a concurrence, a conclusion, as to any action, the whole action should be made wholly public, either in the form of a report to this body, or to the public, as the case might require.

Mr. President, I wish now to take the liberty of asking my fellow Senators to hear me upon another feature. It is that our country just now is being driven, by observations of editorials and speeches, to the conclusion that there is some secret and underlying arrangement between this, our United States, and foreign countries. Particularly true is this as to those in Europe—particularly, sir, France and England—more specifically, sir, in behalf of those who represent the military authority of these countries.

This conclusion or this suspicion on the part of our public is imputed at once to some secret course of the President, upon the theory that of course he must know about it, and must have given his approval to it and, as the Senator from California rightfully asserts that if such is the fact, this fact is being hidden from the public and being withheld from the Senate. If such state of affairs exists, such should be forthcoming promptly, and should be revealed in a disclosure admitting of no qualification.

There is another feature more provoking. I refer to the statements being made by eminent leaders abroad which involve our United States. These masters of authority in their public declarations find it agreeable to ever express in some of their observations what they claim is the position of the United States, or what they desire that the United States entertain in its feelings and policy. I invite Senators now to hear specific instances, and in my judgment the meaning of them.

When the honorable Premier of England, Mr. Chamberlain, occupying his high position of authority, made the statement in his latest assertion that there was the aspect that in the prospect of what he called "appeasement for peace" the United States would concur in expressions he used and the policy he advocated, he left the suggestion to our people and to men of the temper of our thought and those of the mind and the patriotism of the eminent Senator from California that there must have been something somewhere that authorized Mr. Chamberlain to assume his viewpoint, and something authorized from official authority in the United States of America as license for the English Premier to involve us in his calculations.

I desire to have it understood that it is my belief, and here I assert, that there has never been an expression from those in authority in the United States of America to justify any foreign premier to say what the position of the United States would be in a matter in which the foreign government is involved, particularly where it is a military contention and a military conflict. This expression only could come from our people through Congress. I here charge that the artful policy on the part of these eminent directors is to make their people feel that they have the great power of the United States in support of their measures and their undertakings; the object of these assumptions is to impart to their people the belief that if they do not already have it, they are on the eve of obtaining what they assert, and this from something that has transpired between these nations to initiate and authorize an assumption as presented on their part. Though they may know there is not the aspect of fact of that they present; yet they achieve the purpose of the diplomat "to make a virtue of a pretense."

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. LEWIS. The Senator from Michigan rises. I yield to him.

Mr. VANDENBERG. Would the Senator go so far as to say that he doubts even whether there is any agreement in respect to the stabilization fund which would involve our

mutual responsibility for the French franc and the British pound—a responsibility in turn which might be of the utmost primary importance in case of war?

Mr. LEWIS. I would say this in answer to my able friend that I cannot believe that there has been any understanding on the part of our Government and the government of France, or the people of France, or the representatives of France, by any officers of our Government, that there shall be extracted from the fund known as the stabilization fund, money, either in the form of a loan to the French government or as payment for these planes. I do know that there are those who feel that such is possible, and such action has been charged. I answer that if such had ever existed it would come in the form, first, of a request from our Cabinet or President to this honorable body for authority, before anything of such nature would be undertaken.

Mr. VANDENBERG. Mr. President, will the Senator yield further?

Mr. LEWIS. Certainly.

Mr. VANDENBERG. My interrogation had nothing to do with the use of the funds for the purchase of these planes. I have no information of that character. I am asking the fundamental question whether or not a three-way agreement between the Treasury of the United States and the Treasury of France and the Treasury of Great Britain to stabilize currency through the use of our stabilization fund would not be of major military moment in the contemplation of a foreign war, and whether or not if such agreements do exist—and I assume that they must exist from what we know—if they exist why do they not involve us in advance in a matter concerning which we have absolutely no information whatever?

Mr. LEWIS. Mr. President, some time past there was an understanding between the Government of the United States and the Government of France and the Government of Great Britain to come to some agreement with the view of holding on equality the money of the three countries for the purpose of international trade. That is now elapsed and passed for more than a year. My able friend knows about it, and knows the consequence of it as a purely commercial undertaking.

I answer then his conclusion. If there had been a new arrangement different from that which was addressed to a commercial purpose, an arrangement for the purpose of war, this honorable body, or the House, would be informed of it, and knowing how serious it would be, as the Senator has well put it, I assure the Senator from Michigan such could not have existed without information coming to this body. Neither the President nor the Secretary of the Treasury would have ventured upon such a development, with its serious implications without information to and instructions from the Congress.

Mr. VANDENBERG. Will the Senator yield further?

Mr. LEWIS. Certainly.

Mr. VANDENBERG. I call the Senator's attention to the fact that the stabilization fund operates not only under a seal of secrecy, but under an absolute refusal ever to permit anyone in Congress or anywhere else to ask any questions whatsoever regarding what has been done with any of the \$2,000,000,000. I call the Senator's attention further to the fact that when that authorization recently was extended, I offered a very modest resolution calling for a complete report after the fact, when the fund is done, and still the Senate voted by a substantial majority to refuse even to require a final report upon the \$2,000,000,000. So that the stabilization fund exists today not only under a mantle of complete secrecy, but under an absolute prohibition against any cross-examination by anyone in respect to it.

Therefore, when the Senator from Illinois says that if any such agreement were made we would know about it, I respectfully submit to him that we would not and could not under the existing situation.

Mr. LEWIS. Mr. President, we have known that in England there has existed a large fund that maintains the pound in its proper place despite whatever transpires in its commerce, its industry, or in the threat of conflict. We

know that the Bank of France sought to have a similar fund for the preservation of the franc—as my friend well calls it, the value and stability of the franc. We know that that prevails. Then it was, I think, for the first time in the history of this Government, so far as my limited experience with it can testify, that we adopted a similar policy, and that fund, which we created was rightfully termed the stabilization fund. This was inaugurated for the single object and purpose of such courses with these other countries in maintaining our own standard, and, having that behind it, we felt we could maintain the American dollar in its proper place in the same manner that the fund for England maintained its pound, and the fund in France sought to maintain its franc. I am aware of no other purpose.

If it be true, as the able Senator says—and he would not say it if it were not true—that there has been some secrecy continued, and a withholding of facts as to his resolution—I would assume that would be true as to the matters which we felt were the confidences of these others with whom we are entering into some kind of understanding to help aid these two commercial countries; this for the purpose of maintaining a level that would serve our industry and commerce as completely as it does proportionately theirs. But I am not conscious that any other purpose has ever been indulged, or that any other purpose is served by the fund, concerning which there is secrecy.

Mr. VANDENBERG. Mr. President, will the Senator yield so that I may ask another question?

Mr. LEWIS. I yield.

Mr. VANDENBERG. Would the Senator agree with me that if there is a three-way agreement between England, France, and the United States mutually to stabilize currencies, the Congress of the United States ought to know about it?

Mr. LEWIS. I answer the Senator: There is a shorter way. If the able Senator has some ideas upon that which he would like to have serve for the necessity of his position, I suggest that the Senator introduce his resolution addressed to the Secretary of the Treasury for the information, and that that be replied to, and thus the information will be obtained.

Then the latter part of the question: Yes; if there was a position taken by the officials, the President or the Secretary of the Treasury, connected with this fund, which applied to the country at large for any other than financial operations for commerce the Congress ought to know about it.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Kentucky?

Mr. LEWIS. I yield to the Senator from Kentucky.

Mr. BARKLEY. I wanted to make an inquiry of the Senator along the same lines to which he has directed his recent remarks. In the first place we did not establish a stabilization fund in this country until after both England and France, through their proper authorities and banking institutions, had established a stabilization fund of their own, to deal with commercial matters, and not from a military standpoint. This fund of ours certainly was not created in contemplation of any war, and I do not think that the fund used in England or in France was created in contemplation of war, although I suppose their situation over there is such that they always contemplate the possibility of war. The establishment of our fund was purely a commercial arrangement, as I understand.

Mr. VANDENBERG. But if there be a war could anything be more vitally important to all concerned?

Mr. BARKLEY. I am not so certain that the existence of a stabilization fund and the manner in which it has been operated is a matter of vital knowledge bearing upon a possible war. It is commercially desirable, and has been recognized all along as commercially desirable, that there be no great fluctuations in international currency. We recognize the fact that if the English pound or the French franc should collapse in value in international exchange it would

be to our great disadvantage. It is desirable that there be no fluctuation even for our own selfish interests, in order to maintain the even tenor of trade and not to be caught at a disadvantage with our competitors, even though they are friendly nations in the international sense of that word. We could not afford to be caught in the situation where our merchants and our manufacturers and our international trade would be placed at a distinct disadvantage with respect to England or France or any other country.

But those are the two countries with which we have to some extent cooperated, I presume, in the matter of the stabilization fund. These operations depend more or less on day-to-day action. They are somewhat like the various markets. The conditions which exist today may not exist next week, and did not exist last week, so that it is impossible, I think, for all of us to know from day to day just the use to which this stabilization fund is put, and it will be, I think, in the nature of undertaking to disclose our hand, commercially speaking, if we were required openly and publicly every day to advise the people and Congress how the stabilization fund is operated.

Mr. VANDENBERG. Of course, I have suggested nothing of that sort.

Mr. BARKLEY. No; I understand that, but we are talking about secrecy. I understand that the stabilization fund has been used in such a way as to make a profit to the American Treasury of something like \$12,000,000. Certainly there has been no loss in its operation. That is not a great amount, as we think in terms of money now, but it certainly has been conservatively and prudently managed. As to any ironbound arrangement between the three countries with respect to the stabilization fund, I doubt whether there is any such thing in existence. Whatever understandings there are, are undoubtedly informal. They depend upon the conditions as they develop from week to week, and month to month, and, myself, I should regret exceedingly to see any very large body of opinion in this country advocate the abolition of the stabilization fund, so as to put us and our commercial interests at the mercy of those who maintain a stabilization fund for their own benefit.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. LEWIS. Yes, of course, I yield to the Senator from Michigan.

Mr. VANDENBERG. Let me say I have not suggested abandoning the stabilization fund, nor have I suggested its continuous day-to-day publicity. I am submitting solely the observation that if there are any obligations which bind us to the maintenance of the stabilization of the franc and the pound, Congress ought to know about them. This is the question I wish to ask the Senator: If there is an agreement under which we are bound to help stabilize the pound and the franc, and either England or France should be drawn into European war, if that agreement between us to sustain the franc or the pound still exists, under those circumstances do we not automatically become the ally of either France or England in net result?

Mr. BARKLEY. I do not think so. The stabilization fund is operated through an informal agreement. It could not take on the dignity of a treaty. Whatever is done is done through an informal understanding between the Treasury of the United States and the similar agencies in France and England. As I understand, there is nothing binding about it that would carry it over any definite period. We may withdraw our operations whenever we see fit. Even if they were to get into war—

Mr. VANDENBERG. Upon what does the Senator base his statement?

Mr. BARKLEY. In my judgment the operation of the stabilization fund for our commercial advantage would not automatically or by implication make us an ally of any nation which got into war.

Mr. VANDENBERG. How does the Senator know that we may withdraw at any time we wish to do so? Does he know what the agreement is?

Mr. BARKLEY. I have never seen it.

Mr. VANDENBERG. Exactly, and neither has any other Senator.

Mr. BARKLEY. I have no information as to whether there is any agreement in writing. It is a day-to-day or week-to-week understanding, an informal arrangement by which all stabilization funds are operated. Whether or not they are operated at all depends to a large extent on the matter of international trade and the value of money in international exchange.

Mr. VANDENBERG. Would the Senator agree that if there is a firm agreement, we ought to know about it?

Mr. BARKLEY. I should want to look into that matter, and look at the reasons for such an agreement, before making a categorical answer.

Mr. LEWIS. Mr. President, I stated a moment ago, in the presence of the press—that the two expressions lately coming from abroad had had great effect upon the American mind. I make bold to say to this body that it is our duty promptly to remove that false effect. I desire to remove it, if I can, by giving what I feel to be the proper construction and the purpose of the assertions from abroad in the speeches I alluded to. I assert that they never had for their object the revelation of anything that was assumed to have passed from the United States to these foreign authorities.

I take first the remark of the Premier of England, Mr. Chamberlain; in this occurs his expression with respect to advantageous cooperation with the United States. This, he said, would aid in an appeasement, or looking for the conclusion in some form of a new agreement for peace. I said in my first utterance before interruption, and I now repeat, that there was no foundation on the part of the eminent Premier for concluding that any expression had ever come from this country or its officials that justified him in telling his people that there was a hope that the United States could be drawn into some understanding with a foreign country to bear its burdens in war, or pay its expenses in conflict.

I go further and say that those expressions on the part of the adroit Premier—if made as reported—were not intended to leave the impression that such an agreement had been concluded, but to leave on the minds of the British people the impression that there were reasons to hope for the cooperation of the United States of America in whatever they should undertake. The object of the speaker was to strengthen the confidence of his own people and to give to them something of a feeling of security in the event that there should be an assault, there was the hope fulfilled such as the distinguished Premier indicated as a possibility from the United States.

I now come to the second basis I assumed. I pray you, my brethren of the Senate and gentlemen of the press, to recall the late speech made by Mr. Hitler, when Mr. Hitler used, in his speech, the expression which has been quoted in his Monday utterance—the one embodying his appeal for the colonies. He is reported as saying that there was no object to have a military conflict at that time and that there was no action in contemplation in opposition to the United States. Yet the Fuehrer volunteered to reflect on a member of the President's Cabinet. He charged him as one who had joined the expressions of a couple of named English statesmen in what he said was for the purpose of invoking war. Do not let us be deluded into a belief and conviction in the words of these eminent statesmen. They did not intend their words to be taken in that sense among their own people. They must not be so taken by us.

I refer particularly to that passage wherein Mr. Hitler said, or left the impression, that there was no object or purpose of any assault in any form upon the United States. That was for the purpose of allaying the United States from any form of preparation that may be essential to its defense and protection in the event that there should come something toward us in the form of attack. The object is perfectly clear. It is the object of the military cabal in power in Germany. The real object of Germany—I refer to its military leaders—and that of Italy and its leaders, and that of Japan, jointly, is to crush and break up the British Empire. The

purpose is to divide the lands from unity wherever they can. The ultimate purpose in their minds at the time is so to conduct a course as to sever the relations between the commonwealth countries and what we speak of as their mother country, England.

The statement to us that there was no intent so far as we were concerned was not intended to be taken by his own people literally, for he follows it with something of an accusation against a member of our Cabinet, indicating that the feeling is one of resentment against the United States.

Again, sir, it was for the more effective purpose. It was as if to say to the Premier, Mr. Chamberlain, "You need not be calling on the United States, or intimating, sir, that you will have aid from them, for we advise them now that they are in no danger of any nature whatever that would call for them to cooperate with you, or justify you in assuming that they have any reason to do so."

Thus, that fruitful speech on the part of the distinguished leader of the German Government is too plain to us to be misunderstood or to be taken by us as one of assault on security. It was the masterful manipulation of a director of aroused emotions—and constructor of unexpected phases—of evolution and revolution of conquerors.

Now, Mr. President, let me conclude. If we proceed in the Military Affairs Committee looking to find ways and means for the defense of this Nation, preparing in anticipation of trouble, must we not do it correctly? Must we not do it efficiently? Must we not do it as powerfully as we can? It is not my purpose to point out, respecting these claims what benefits there may be to France, and how we should contribute in that respect. I must leave the military affairs of my country as first consideration to the judgment of those best qualified to administer them. When they have advised us as to their course, or their intentions, or their final action, then will be the time for us to take such steps as we feel would be appropriate.

Let me impress this thought upon all: This country must not again allow the representatives of foreign powers to delude us into a complacency and confidence that take from us the importance of immediate activity and cooperation in preparation for the defense and preservation of this, our America. Nor shall we forget that we were drawn into other conflicts by being first invested with the confidence that there would be no attack made upon us or our countrymen, and because of that we deferred too long any action that was necessary to prepare, for that which befell us, unhappily for our fate.

Therefore, sirs, as we move along, let us say to the American people, "You need not allow yourselves to be disturbed by expressions of these eminent premiers of foreign countries. They speak to their own people; and while we quote their speeches in this land, it is not through fear, and it is not out of any particular estimate of value. It is merely for information."

Let us say to the representatives of other governments, "We say to you that whenever the American people wish to speak their purposes to you, they will do it through ourselves. When action is desired in joint behalf, we will submit the question to the proper agencies of our Nation."

Mr. President, let us turn about for a moment and call out to our countrymen that though we may differ from our President in many things from time to time on matters of civil policy, but we acknowledge that he is the President of the United States. He has been chosen as such by the voice and will of our people. He is the Commander in Chief of our forces of defense, and by our theory of government is looked to to take the proper steps for the defense and preservation of the Republic. Shall we, Senators, and you who harken to me from any source, leave upon the American public the impression that those who express themselves from abroad are speaking with power and authority as to the United States? Shall we leave the other impression that we have not confidence in the head of our own Government, to look to it for proper information and for the successful defense and security of our citizens? Shall we invest the public of our land with something of a tremor and fear that

there are dangers all around us which are not being taken care of by those in charge who are vested with authority? Has not the time come to say to our countrymen, "We confide in the government we have. We trust its patriotism. We wholly, in every wise, invest our hope and all of our future in the faith we have in its honor and its devotion."

Our countrymen need have no fear. This country is not contemplating entering into war nor joining with any land abroad in any of its wars. Its policy is to defend itself, and to prepare that defense in the event that others should make war upon us.

Further than that, nothing more. We, therefore, wish to have you know that we, the Congress, present to America the confidence we feel in those who command the authorities of this Government. We present to the President of the United States our respect; we tender to him the confidence we have in his patriotism. We tell our countrymen they are secure; and with him and with them our country rests, sir, where it should—an independent, preserved America.

If we have proceeded upon some theory of defense, it is not because we are frightened or behold a present danger; it is because if it is to be done, then, sirs, in the phrase of Shakespeare—

If it were done when 'tis done,
Then 'twere well it were done quickly.

And if we are to enter upon the preparation of defense, it must be before the world so complete that before their very eyes they are confronted with our power, our purpose, our patriotism that warns all that the United States ever striving for peace, yet are prepared to defend our Nation and protect our people as against assault from any other people in the world. I thank the Senate.

Mr. BARKLEY. Mr. President, I do not wish to prolong this discussion, though it has been a very interesting one; but I cannot leave entirely unnoticed the suggestion made a while ago by the distinguished Senator from California [Mr. JOHNSON] when he intimated his belief that by the sale of airplanes to France our Government was postponing its own needs until the requirements of France should be fulfilled. I am sure the Senator from California would not wish to leave an erroneous impression in respect to that matter. For that reason I rise to correct the implication or the suggestion.

In the first place, the American Government does not manufacture its own airplanes; it buys them from private industry. It has no authority now by reason of any appropriation made available by Congress to purchase planes that will be sold to the French Government. The President has asked Congress for \$500,000,000 to be expended over a period of 2 years for purposes of national defense. That money has not been made available; it is not now available and may not be available for several weeks or it may be months.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. I should like to inquire where the Senator from Kentucky got his information? I am not revealing any information, but as a member of the Military Affairs Committee I listened to its hearings, and from what I heard of those hearings I can say this much: That the statements now being made by the Senator from Kentucky are entirely at variance with the records I heard in the Military Affairs Committee.

Mr. BARKLEY. I do not know, of course, what transpired in the Military Affairs Committee, but when the President of the United States came to the Congress and in a solemn message asked Congress to appropriate \$500,000,000 for national defense, most of it intended to be used for the purchase of airplanes, I have a right to assume, I think—as I do assume—that he was not making an idle gesture, and was not requesting of Congress appropriations for airplanes that the Government did not need.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARKLEY. Yes.

Mr. CLARK of Missouri. Does the Senator realize that authorization was made last year for a certain airplane program in this country?

Mr. BARKLEY. But there were no appropriations made; as I understand there was merely an authorization.

Mr. CLARK of Missouri. Appropriations have been made for the purchase of a certain number of those planes. Does the Senator further realize that the plane which crashed out in Los Angeles was a plane designed to be entered—and there is no dispute about that—in the competition for the purchase of airplanes under last year's program and not under this year's program?

Mr. BARKLEY. I do not think the question of an air force in providing for our national defense depends upon the type of plane that happened to crash out in California. If the President of the United States has asked Congress to appropriate half a billion dollars for national defense, which is not needed or necessary, that fact has not been revealed to the American public or to the American Congress; but I do not believe that the President of the United States would come here and make a request for an appropriation of that sort if it were not necessary. Regardless, however, of anybody's opinion as to the merits of the national-defense program—and there is legitimate room for an honest difference of opinion as to that question—the point I rose to address myself to was the insinuation that while we are waiting, by some arrangement of purchase from private industries in the United States by the French Government of a certain number of airplanes, we are postponing the fulfillment of our own military and naval requirements in the matter of airplane purchases.

The airplane factories of this country have not had sufficient market for their products as yet to enable them to arrive at what is commonly called mass production. I assume that the appropriations asked for by the President will be forthcoming some time between now and July 1, but whenever they are forthcoming and whenever they are available, it will be necessary for those who are producing airplanes to be in a position to produce them as rapidly as the Government of the United States may desire or need them. If we are not in the position to do that at the present time, if by perfectly lawful sale of airplanes to other nations that have the money to buy them and that can come here and get them, we can so improve the facilities for manufacturing planes for our own use against the time when we will need them, and may have the money to pay for them, I myself do not see any valid objection that can be urged against that course. It is not a violation of any treaty, it is not a violation of the neutrality law, but it is in compliance with the immemorial custom and usages of international law.

We might as well say that the United States Steel Co. in time of peace ought not to be allowed to sell steel or iron to England, or France, or any other nation that has money to come here and pay for it and carry it away for fear that at some time in the future such steel might be used in the manufacture of armaments in the foreign country to be used in a war that may be in prospect in years to come. I myself see no difference between the lawful sale of airplanes to any country that wants them and has the money to buy them and the sale of steel or any other product of ours that might by some process of transformation finally be developed into some form of military equipment which might be used in time of war. Therefore, I do not fear that the American Government is justly chargeable by consenting to the sale by private industry of airplanes to the French Government, when we are not in a position, as I believe, to purchase them ourselves because Congress has not as yet made any money available, certainly not to the extent asked by the President, with taking action in any way involving the country in any future war or that it is guilty of any conduct that is detrimental to our own defense. On the contrary, I think it would facilitate our own defense if and when the time comes for the production of the planes which our country will need, private industry will be ready to turn them out as rapidly as our country shall need them.

Mr. VANDENBERG. Mr. President, will the Senator yield for a question before he takes his seat?

Mr. BARKLEY. I yield.

Mr. VANDENBERG. If it is true as the Senator from Kentucky indicates—and I think it is true—that there ought to be no criticism whatever of the commercial transaction at the moment between France and the United States, why is it necessary that this procedure should go on in secret?

Mr. BARKLEY. I do not understand that it is going on in secret. The newspapers have been full of it; the President has indicated it in press conferences and otherwise. There may be some features of the conversation that, in the interest of a proper understanding and a lack of hysteria, ought to be divulged. I do not know about that; I am not a military man; I am not in on the secrets of the military authorities; but I myself do not see that there has been any secrecy. The only secrecy that I have been told about is the fact that the Frenchman in the plane that crashed did not divulge his true name. Why he did not do so I do not know.

Mr. CLARK of Missouri. Mr. President, the distinguished Senator from Kentucky, the majority leader, has just given a full, adequate, complete, and classical illustration of the objections to secret hearings which were pointed out heretofore by the Senator from North Dakota and myself and several other Senators.

The Senator from Kentucky rises on the floor with the tongues of the members of the committee tied to refer to the actual testimony taken in secret session, and he says, "I assume such and such is the state of facts," and, "if it be true that such and such a state of facts exists, then I think so-and-so," and "then the following conclusion must follow."

Mr. President, the Senator from Kentucky gave a complete demonstration of the fact that either he has some confidential information from some source which is at variance with the testimony before the Military Affairs Committee or else he is "talking through his hat" and talking about something that he knows nothing about.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. BARKLEY. I am neither divulging nor talking about any confidential information that I have that has been divulged to the Military Affairs Committee, neither am I "talking through my hat," the opinion of the Senator from Missouri to the contrary notwithstanding. I am talking about things that have been in the newspapers of this country, which are available to everybody, that planes are proposed to be sold to France. Everybody in the country knows that the President has asked for an additional appropriation; everybody knows that it is not available; and everybody knows that it will not be available until the Congress appropriates it. There is nothing confidential or secret about that.

Mr. REYNOLDS. Mr. President, will the Senator from Missouri yield to me?

Mr. CLARK of Missouri. I will ask the Senator to wait for a moment in order that I may answer the Senator from Kentucky. If the Senator from Kentucky had even read the newspapers with as much diligence as he now professes, he would know that the plane which crashed at Los Angeles was a plane being designed—and the only plane being designed—by a great airplane firm for entry in the War Department competition and I am now referring to the newspapers and not to the confidential communications of the Military Affairs Committee; but even the Senator from Kentucky would know that that was a special design by one of a number of American airplane manufacturers, intended for entry in the War Department competition, embodying possibly the latest and most desirable features of airplane construction; and if the Senator from Kentucky will permit the record to be published, or assist in permitting the record to be published, he will discover that some very eminent authorities in the United States protested against the sale of that plane to any foreign country before it was adopted for the uses of the United States.

Mr. REYNOLDS. Mr. President—

Mr. CLARK of Missouri. I yield to the Senator from North Carolina.

Mr. REYNOLDS. I should like to ask the Senator, first, if prior to the newspaper article describing the wreck of the plane he has just mentioned the Senator from Missouri had seen anything in the newspapers in regard to the French transaction?

Mr. CLARK of Missouri. I will say that I had not.

Mr. REYNOLDS. Then I ask the Senator, in reference to secrecy, whether the American people would have known anything whatever in reference to the purchase and sale of these 600 planes if there had not been a wreck.

Mr. CLARK of Missouri. So far as I know, they would not.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. In other words, as I understand the Senator, this transaction—the sale of 600 planes to the French Government—would have been carried out, and the planes would have been delivered, without the American people having known anything whatever about it, had not the wreck occurred?

Mr. CLARK of Missouri. Of course, that involves a matter of assumption. So far as I know, the Senator from North Carolina is entirely correct.

Mr. BARKLEY. Mr. President, will the Senator yield for one question connected with that subject? I do not want to take his time.

Mr. CLARK of Missouri. Yes; I yield.

Mr. BARKLEY. As I indicated awhile ago, there are many things that the American people may sell to any government in time of peace that may ultimately be used in war. So far as I recall, there has never been any widespread publicity or any demand for publicity with respect to the transactions that take place between an American private industry and any country in the world that may buy anything in time of peace that may be lawfully bought, regardless of the ultimate use to be made of it.

Mr. CLARK of Missouri. Mr. President, let me make a suggestion to the Senator from Kentucky. He is a very distinguished Member of the Senate of the United States. He is the majority leader. He is the confidant of presidents and secretaries, and certainly his standing as an American citizen is most unimpeachable.

Let the Senator from Kentucky go to one of these airplane manufacturers and say, "I understand you have here a plane which is to be entered in the War Department competition next month or 2 months from now. I want to get on it and take a ride." They will say, "Well, Senator, we know you are a good American. We know you are a good citizen. We know you are a distinguished United States Senator, the leader of the majority party in that great body; but you will have to go to the War Department and get an order to allow you on that plane. Of course, we are independent producers; of course, we have a right to sell our airplanes anywhere we please; but, Senator, out of respect to our patriotic obligations to the Government of the United States, you will have to go and get a pass from the Secretary of War or the Chief of Staff before you can get on this plane."

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. Yes.

Mr. BARKLEY. Of course, I am not in the airplane market.

Mr. CLARK of Missouri. I understand that.

Mr. BARKLEY. And I am not likely to be in the near future.

Mr. CLARK of Missouri. I agree with the Senator on that proposition.

Mr. BARKLEY. But if I were, either as a private individual or as a Government official, in the market to purchase airplanes, I assume it would be a matter of ordinary business prudence to know what sort of a plane I was buying.

Mr. CLARK of Missouri. I assume so.

Mr. BARKLEY. If it is necessary for me or for any foreigner to get the permission of the War Department to inspect a plane in order to determine whether or not I want to buy it, is there anything really very unusual about it?

Mr. CLARK of Missouri. O, Mr. President, the Senator is begging the question.

Mr. BARKLEY. No; I am not begging the question. The Senator—

Mr. CLARK of Missouri. Wait just a minute. I have the floor. The Senator from Kentucky answered the Senator from California [Mr. JOHNSON] just a moment ago by saying that the Senator from California was claiming that there was something unusual in this proceeding, when in truth and fact the Senator from Kentucky said there was not. Mr. President, I assert, and I defy successful contradiction, that it is not only unusual but unprecedented in the history of this country for a proposal to be made to sell a plane that might be the very latest development, the last word, to be used—

Mr. BARKLEY. The Senator—

Mr. CLARK of Missouri. Mr. President, I insist that I have the floor.

Mr. BARKLEY. I do not deny that. I am asking the Senator to yield.

Mr. CLARK of Missouri. The Senator never asked me to yield. The Senator interjected a remark at the suggestion of the Senator from Indiana [Mr. MINTON]. I heard what the Senator from Indiana said.

Mr. BARKLEY. The Senator from Indiana did not suggest to me to ask the Senator from Missouri a question.

Mr. CLARK of Missouri. Mr. President, if the Senator wants me to yield—

Mr. BARKLEY. I do not.

Mr. CLARK of Missouri. If the Senator will contain his soul in patience until I myself have a chance to make a statement in my own time, I shall be very glad to yield to the Senator from Kentucky for as much of my time as he desires to occupy.

Mr. President, I say that what I was referring to was the fact that the Senator from Kentucky stated that the remarks of the Senator from California [Mr. JOHNSON] were ill-advised, because the Senator from California suggested there was something unusual in this proceeding. As I was about to say when I was interrupted by the Senator from Kentucky and the Senator from Indiana, I myself assert, and challenge successful contradiction, that never before in the history of this country has it happened that a proposal was seriously made to sell what might be the very latest development in any branch of the art of warfare to any foreign country, friendly or otherwise, if there was a possibility that it might be necessary and useful for the defense of the United States.

I now yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, in the first place I wish to correct the Senator from Missouri in the assumption and the statement that I asked him to yield at the suggestion of the Senator from Indiana [Mr. MINTON].

Mr. CLARK of Missouri. No; the Senator did not ask me to yield at all. He interjected a remark in the middle of a sentence.

Mr. BARKLEY. I was trying to ask the Senator to yield. I am sufficiently active on my feet that I do not have to be prodded by the Senator from Indiana in order to rise and ask a Senator to yield.

Mr. CLARK of Missouri. I will say to the Senator that I myself thought it was gilding the lily. [Laughter.]

Mr. BARKLEY. It is not the lily of the valley, at least.

Mr. SCHWARTZ. Mr. President—

Mr. BARKLEY. In the first place, I rose to refer to the remarks of the Senator from California on an entirely different premise than that stated by the Senator from Missouri. That was that while we are undertaking to fulfill the requirements of a foreign country in the purchase of airplanes, we are postponing the fulfillment of our own requirements. That is what I undertook to correct.

Mr. CLARK of Missouri. If the record of the Committee on Military Affairs can be made public, I shall be very glad completely to explode that theory of the Senator.

Mr. BARKLEY. All right. So far as I am concerned, I am willing to abide by the judgment of the Military Affairs Committee as to whether the record shall be made public.

In the next place, a while ago the Senator said that I was begging the question because he had suggested me as a pos-

sible purchaser of airplanes, and I was simply telling him the ordinary precaution I would take if I were a purchaser. In doing that I probably exaggerated my own importance by making a comparison with a foreign country; but I was in no sense begging the question.

Mr. CLARK of Missouri. The Senator entirely misunderstood me. I never accused the Senator from Kentucky of being in the market for airplanes. I am certain he would not buy an airplane or ride in one. [Laughter.]

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. CLARK of Missouri. I yield to the Senator.

Mr. BARKLEY. I could not buy one, and I have no intention of buying one; but I can ride in one, and I have many times ridden in them without the slightest effect upon my health or my disposition. [Laughter.]

Mr. CLARK of Missouri. I am glad to hear the Senator say that.

Mr. SCHWARTZ. Mr. President—

Mr. CLARK of Missouri. I am glad to yield to the Senator from Wyoming.

Mr. SCHWARTZ. The Senator from Missouri and the Senator from Kentucky seem to be laboring under a great deal of difficulty, in that one apparently has not been attending the sessions of the Military Affairs Committee and the other seems to be under some difficulty in not being able to tell what has been going on in the sessions of the Military Affairs Committee. The thought I have in mind is that whatever is going on there, with the exception of an occasional remark, is being taken down stenographically, and I assume that in time all of it will be available to the Members of the Senate. I cannot agree with the Senator from Missouri, as to a certain proceeding with reference to the Douglas airplane out in Los Angeles, that it was a wholly unusual proceeding, or that there was a disclosure or that there was opportunity to disclose anything that was secret about that plane; but I labor under the same difficulties as does the Senator from Missouri. I suppose if we stand here long enough, and talk back and forth long enough, it will not be necessary to print the proceedings of the Military Affairs Committee. I believe, however, that Senators might wait until the hearings are concluded and until the record is made available, and then we shall all know whether the distinguished Senator from Missouri is right, or whether the Senator from Kentucky is guessing accurately, or whether I am right or wrong in disagreeing with the Senator from Missouri in some of the conclusions which may be drawn from what has taken place in the committee.

It seems to me we may well rest our souls content until we get the full record before us, and then we shall know whether anybody is entitled to criticism or whether anybody is entitled to praise.

Mr. CLARK of Missouri. Mr. President, I thank the Senator from Wyoming for his speech injected into the middle of my few remarks.

Mr. SCHWARTZ. Will the Senator yield?

Mr. CLARK of Missouri. I am desolated that the Senator from Wyoming does not agree with my view of the general situation. I return, however, despite the views of the Senator from Wyoming, to the remarks of the Senator from Kentucky with regard to the remarks of the Senator from California [Mr. JOHNSON]; and I again refer to something which I learned from the columns of the public press, from statements made by the various witnesses testifying before the Military Affairs Committee, and from the chairman of the committee, I think, in their own proper persons, which I understand not to be tied down by the rules of secret testimony.

With reference to what was said by the Senator from California [Mr. JOHNSON], I again state that never before has there been an instance such as this, in which a plane or any other prospective instrument of war for use in the United States Army, largely developed and promoted and paid for by the research of the United States Army with appropriations made by Congress for the War Department from public

funds, has been turned over to any foreign nation before the United States had procured its full need of the instrument in question, and developed to the fullest possibility its potential uses.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from California.

Mr. JOHNSON of California. I call the attention of the Senator to the fact that the particular airplane which fell was one which had been built practically for the United States Government.

Mr. CLARK of Missouri. Partly paid for by the United States Government, as I learn from the public press.

Mr. JOHNSON of California. Partly paid for by the United States Government; that it had on it certain gadgets, sights I remember as one of them, which were taken off, were they not, so that they would not be apparent to the French?

Mr. CLARK of Missouri. Mr. President, I did not see anything in any newspaper about that, so I am unable to answer the question.

Mr. JOHNSON of California. I saw it in the newspapers. I am not a member of the committee; I do not know anything about it except what I have read in the newspapers, so I am not afraid to say, and I can say with perfect good faith, that there was that sort of report in the newspapers; and is it not correct?

Mr. CLARK of Missouri. Mr. President, if the Senate will release the testimony given before the Military Affairs Committee, I shall be exceedingly happy to answer that question.

Mr. JOHNSON of California. Before the Senator concludes, permit me to say that there is proof positive about what this plane was. What is the use of telling us a bedtime story here, however prettily it may be told? There is proof positive of what this plane was, and a foreign nation was taking it over, a citizen of that country driving in it, determining whether or not they would take it.

Mr. CLARK of Missouri. Mr. President, I understand there will be no controversy at all about the fact that this was a plane being developed partly by the expenditure of research funds by the United States Government, in the drawing of specifications and plans, which was to have been entered in the competition next month, and which possibly involves the very latest development of the American aviation science in a military plane.

Mr. REYNOLDS. Mr. President, naturally I have listened with considerable interest to the debate which has occurred here this afternoon, all of which grew out of an initial mention of secret sessions. I have been particularly interested because I happen to be sufficiently fortunate to serve on the Committee on Military Affairs, over which my distinguished and lovable colleague from the great State of Texas [Mr. SHEPPARD] presides very ably.

Mr. President, the impression I have secured from week to week since I entered the Senate in 1932 has been that in secret sessions one was expected to be provided with secret information, that is to say, such information as one could not receive otherwise. The only two sessions of secrecy, so to speak, which have been mentioned here today were those participated in by the members of the Committees on Military Affairs of both the House and the Senate, at which time our very able representative at Paris, the capital of France, testified, and likewise at that time was given the testimony of our representative at the Court of St. James's. The only other secret meeting I have been called upon to attend, within my recent recollection, was that which has been discussed so fully here this afternoon, a meeting of the Military Affairs Committee.

I am perfectly frank in stating, in reference to the first meeting which I mentioned a moment ago, the meeting at which our representative at the Court of St. James's, Mr. Kennedy, and our representative at Paris, Mr. Bullitt, addressed us by way of an explanation—and this statement, I am confident, will be concurred in by all the Members of the committee who were present—that there was revealed to

us no information with which the members of the committee were not familiar. As a matter of fact, I believe I could state quite accurately that there were not any revelations made there which we would particularly care to keep from the American public. I see in the Chamber at this moment the chairman of the committee, as well as other members of the committee, and I believe I can state without contradiction that nothing was revealed in the meeting which should not by right be provided in the form of information to the American people.

This debate has brought up the question of America becoming involved in war. It has brought about the statement by the able Senator from Illinois with reference to a declaration made by the Prime Minister of England. It has brought up the question of national defense. All these things interest us, one might say, in the prospect of America unfortunately becoming involved in war.

In this regard I wish to provide myself with the opportunity of again warning the people of America that if we become involved in war, we may put it in our pipes and smoke it well that involvement in war, if at all we are so involved, will be occasioned by the war which is raging in this country today, a political war between the Nazis and the Fascists and the Communists. I warn the American people that the Nazis and Fascists have provided from their atmosphere nothing more nor less than a smoke screen, and that smoke screen has been fashioned in the minds of the American people by the propagandists employed, astute as they are, by the Communists.

It is beyond my comprehension that daily through the columns of the press, and, as a matter of fact, from the lips of public officials in this country, we are constantly reading and hearing about the dictators of the world, the Nazis and the Fascists. We hear only about them, and the great damage they are doing, and what they are endeavoring to do, at the same time realizing that of all the reptiles upon the face of the earth communism is the worst. We neglect to tell the American people that the termites which are boring from within are the Communists themselves.

In other words, Mr. President, I say to all true Americans that those in this land who are opposed to dictators, those in this land who are opposed to those countries in Europe under the direction of dictators, are constantly throwing up the smoke screen of dictatorship, the Nazis and the Fascists, in order to distract the minds of the American people away from the reptile itself, the reptile of communism.

I remember that just a few years ago the American people were talking about communism sweeping this country. The American people were fearful that the time would come when the Communists would perhaps be in a position to overthrow and destroy our form of government. But within the past several months, particularly within the past 2 years, certainly we have not heard so much about communism. But we are hearing more criticism directed toward the Fascist and the Nazi countries of Europe.

I wish at this time to bring to the attention of this body another matter, but before doing so I wish to say that it is unfortunate for the American people that they are becoming divided as the result of the sides they are taking in issues in Europe, in which issues we have no interest. In other words, we, the American people, have become of late so thoroughly and passionately interested in the issues of Europe, in Germany, and in Spain, that we are a house divided, the result of which is that the war that is being waged in this country is bringing about destruction of our land at the time of all times when we need solidification of the patriotism of all Americans.

A few days ago I brought to the attention of this body a clipping from one of the New York newspapers revealing the fact that more than 500 aliens, professional men and women, were seeking the opportunity to practice their respective professions in the United States of America. In my discourse on that occasion I brought to the attention of the Members of the Senate the fact that many of those professional men and women, who found that they would have to pass an examination set by the Board of Regents

of the State of New York, had learned that they could not pass that rigid examination, and they had the gall and the audacity, foreigners as they were, aliens as they were at the time, to say to the American people, "We will break down your standards. We will not abide by your rules, but we who have come from foreign shores will carry this question to the Supreme Court of the United States, if necessary, because we think we should be permitted to practice by comity."

Think of the gall of that! But listen to the Communists speaking. The other day I picked up a copy of the CONGRESSIONAL RECORD of January 27, 1939. And here is what I read:

Mr. MALONEY (of Connecticut) presented a resolution adopted at a Lenin—

Listen to this—

at a Lenin memorial meeting held by the Communist Party at Waterbury, Conn., favoring the dissolution of the so-called Dies committee, being the Committee to Investigate Un-American Activities [House of Representatives], which was referred to the Committee on the Judiciary.

The Communists of this country and other elements in this country are doing their best to involve the United States in a war with Germany, and I say that if we, the American people, become involved in a war with Germany, we will lay its cost to the Communists of the United States and other elements that want to crush and destroy and murder every one of the 80,000,000 people in Germany on account of certain things which have taken place within the confines of Germany. And mark me, if we become involved in a war, if the sons of American mothers are again dragged into a bloody conflict that will take the lives of American citizens, Senators may now chalk it down, and will then remember what I said, that war will be laid to the Communists of this country and other elements that want to murder the people of Germany.

Let us see about that. We are talking about war more and more every day. Who wants to get us into war? We all know that the Communists want us to go to war with the Fascist states because there is rivalry, because there is bitter enmity, there is no love lost between the Communist countries and the dictator countries.

Where does Russia stand today? Russia stands four-square behind China, which is two-thirds communistic, ruled over by the Communists, as everyone knows, and fighting against one of those nations constituting the "unholy" alliance of Japan, Germany, and Italy. We have lost sight of the fact that those constituting the Communist Party in America are doing their level best to get us into war. I warn the American people that we will have to "watch our p's and q's" and be as wary as we as a people can be in order to avoid being drawn into another world conflict.

I was thinking about that very matter a moment ago as I sat in my seat listening to the debate which was taking place in the Senate, and I was trying to answer to my own satisfaction a question which arose in my mind. The question was this: We have just sold to France 600 planes. The Senators upon the floor of the Senate who discussed the subject agreed that there was nothing wrong in our selling planes to any country in the world which was not at war. Let us suppose that we sell the 600 planes to France, and we sell 1,000 or 1,200 planes to Great Britain; that we sell 500 planes to Belgium, 800 planes to Holland; and then suppose Italy comes along—Italy is not at war—and Germany comes along—Germany is not at war—and Hungary comes along—and Yugoslavia comes along, a country which is divided in its alliance between Italy and Germany. Suppose those latter countries should decide to buy planes from us in their preparation for a war in Europe, and we refused to sell them planes. I ask each Senator, what would be the consequence?

The consequence would be that by selling planes to France and Great Britain and Belgium and Holland we would have lined ourselves up, from the military standpoint, with those nations of Europe against the others, and without intending to, and though hopeful that we would never become involved, we would unintentionally have become involved from a military standpoint.

Let me return to the question of communism. The other day in a Senate reading room I picked up a copy of the New York Times, and this is what I read:

Twenty thousand at "red" rally on Lenin death day.
Send plea to Washington for end of Spain embargo.

This was on January 24. The article continues:

Observing the fifteenth anniversary of the death of Lenin, 20,000 Communists and sympathizers, filling Madison Square Garden last night, signed a "collective telegram" urging an end of the arms embargo against Loyalist Spain, heard party leaders warn that the country and the world faced a "serious offensive of reaction," and witnessed a musical play presented to illustrate America's "revolutionary tradition."

The speakers, including William Z. Foster, national chairman of the Communist Party, just returned from Cuba; Israel Amter, State chairman; James W. Ford and Elizabeth Gurley Flynn assailed the Republican Party, the Dies committee, the "financial oligarchy", the "poisonous priest in Detroit", and others as attempting to lead the United States into fascism. The meeting adopted resolutions urging passage of the full W. P. A. appropriation presented by President Roosevelt, and asking an end of the Dies committee.

Here we find 20,000 Communists, 20,000 "reds," 20,000 from the Soviet Union, engaged in preaching the overthrow and the destruction of our form of government, there in observance of the fifteenth anniversary of the death of Lenin himself, demanding that there be no more investigations of un-American activities by the Dies committee, the committee headed by that able and courageous Representative in the House from the State of Texas.

In that connection I may express the hope that there will be no hesitancy about the granting of appropriation of an additional \$100,000 or \$150,000 in order that the fine work of the Dies committee may be carried on, in order that the 130,000,000 people of America may be acquainted with what today is taking place in the United States. I thank God that the American people are awakening at last to the fact that they have been giving too much attention to the fights that have been going on in this country between the "isms," communism and fascism and nazi-ism. What the American people should do from now on is to give consideration to their own Americanism, and from now on I trust sincerely that we in this country shall hear of nothing except Americanism, so far as our own country is concerned.

Day in and day out we read through the columns of the press what the Nazis are doing, what the Fascists are doing, and what the Communists are doing. And right in New York we find the Communists holding a rally. The Communists hate the Nazis. The Communists hate the Fascists. Stalin, Lenin's successor, despises Hitler. Stalin despises Mussolini. Stalin would like to see them both in their graves, and their respective Governments destroyed. And so it is likewise on the other hand. I dare say that Hitler and Mussolini both hate and despise Stalin and would gladly see him in the grave. They hate one another. And therefore we find the Communists and other elements in this country praying that the United States of America shall become involved in war with the Fascist states of Europe, because the Communists want the United States to shoulder the responsibility of war with their enemies. All such movements should be stopped.

A moment ago I said that if we become involved in war, someone will be responsible. Men are going through the length and breadth of this land of ours advocating the position that we must fight, and are saying that we in the United States must destroy the Fascist nations of Europe.

I cite one newspaper clipping in substantiation of my statement. "All I know is what I read in the papers." I read from the World-Telegram of January 27:

"We must fight," says pacifist.

Who says we must fight? The American people do not want to fight. They want to avoid a war. They had enough of it from April 6, 1917, until November 11, 1918. We still remember that it cost the taxpayers of America \$69,000,000,000. We know that before we shall have finished paying it will have cost \$100,000,000,000. We do not want to get into another war. We want to live peacefully upon our portion of the North American continent in the Western Hemisphere.

But there are within our midst those who say we must fight. We must destroy Hitler and Mussolini, so say the Communists.

The newspaper clipping says that statement was made by a pacifist. Who was it?—

Erika Mann says Nazis and Fascists make it necessary.

Who is this individual who says to the people of the United States that we must fight? Who is this individual who says to the American mothers, "Your sons must don the uniform and shoulder arms and go forth and murder and defeat the Nazis and the Fascists"? Let us see who it is.

This article is by Miss Sally MacDougall.

Erika Mann—

I do not know who Erika Mann is—

Erika Mann believes that if the members of the Conference of the Cause and Cure of War could have spent several weeks in Spain when she was there last fall it would not have taken them until this week to indict the neutrality law as a contributing factor in the world's war and strife.

I do not know who Erika Mann is; but, whoever Erika Mann is, Erika Mann says our neutrality law is all wrong. It is not right. It ought to be changed, because Erika Mann insinuates that we long since should have removed the Spanish embargo in order that the Loyalists might have the advantage of purchasing arms, ammunition, and munitions of war from this country.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. WALSH. I assume the Senator is discussing propaganda in this country urging our country to take sides with the democratic governments of Europe against the totalitarian states.

Mr. REYNOLDS. Exactly.

Mr. WALSH. I should like to ask the Senator what assurance any American has that France will remain democratic, that Great Britain will remain democratic, or that Hitler's or Mussolini's form of government may not change within the next few years?

Mr. REYNOLDS. None whatever, I will say to the Senator.

Mr. WALSH. Then why should we attempt to take sides because it appears at this time that some of the countries of Europe have a better form of government for their people than we think other countries have? Is not the position we ought to take one of absolute, unmistakable neutrality? It seems to me it is none of our business what form of government the countries of Europe have, and that we ought to keep away from their rivalries and hatreds, mind our own affairs, and defend our own democracy before we attempt to defend other democracies.

Mr. REYNOLDS. Absolutely, Mr. President. From the bottom of my heart I thank the able Senator from the historic Commonwealth of Massachusetts for his fine, patriotic contribution of good sound "horse sense," as we say down South. I thank the Senator for his expression here today. He has given utterance to the very thing I have been preaching throughout the length and breadth of this land for the past several years. Thank God for the patriot from the great State of Massachusetts, and for his contribution here today. What right have we to tell any country in the world the form of government under which its nationals should live? Again I say that Uncle Sam, poor old ragged fellow that he is now, kicked all around the world, trying to regulate the morals of the people of the earth, at last is coming home to find 12,000,000 of his nieces and his nephews out of work, in rags, undernourished, and walking the streets in search of employment, warmth, and raiment. Now that he is here, I hope that while we have Uncle Sam with us we will wash behind his ears, and not let him stray farther from our shores, because we want Uncle Sam to clean his own house and sweep the dust therefrom before he tells the other peoples of the world how to run their governments. We Americans are all with the Senator from Massachusetts when he says we should attend to our own business.

Mr. WALSH rose.

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Mr. REYNOLDS. Before yielding again to my distinguished friend, I will say that I, for one of the 130,000,000 people of America, insist upon our "dear old uncle" keeping his nose out of the business of other countries in the world.

I yield to the Senator from Massachusetts.

Mr. WALSH. With conditions as they are in this country, I am sure the Senator and I are in accord in believing that we have all we can do to protect and defend our own democracy by adequate national defense, instead of meddling in other countries' business and trying to determine which is right and which is wrong. Who can rightly claim that we are foreordained by the Almighty to determine where truth and justice, honesty, and good government exist in the world and then fight to preserve it? If we are going into that business, we shall be in trouble for all time, our youths will be on battlefields everywhere, and we will be useless as a potential factor in preserving the civilization of the world and in protecting the welfare of our own people.

Mr. REYNOLDS. Again I thank the Senator.

Mr. WALSH. I rose for another purpose. It so happens that on December 22, 1938, I was invited to deliver an address on the inauguration of the New England town meeting of the air in Boston. The subject assigned me at that time was Neutrality. With the Senator's kind permission, I ask unanimous consent to have printed in the Appendix of the RECORD the speech I made on that occasion, which expresses more elaborately the sentiments I expressed a few minutes ago.

Mr. REYNOLDS. I am very happy to yield, particularly for that purpose.

The PRESIDING OFFICER. Without objection, the speech may be printed in the Appendix of the RECORD.

Mr. REYNOLDS. At this juncture I respectfully invite the attention of all the Members of the Senate, and particularly the attention of every reader of the CONGRESSIONAL RECORD, to the speech made by the Senator at the time mentioned, which, in accordance with his request, will be published in the Appendix of the RECORD. I know the readers thereof will find it thoroughly inspirational and informative. I only regret that I was not fortunate enough to be among those present when the Senator addressed an audience which I know was an appreciative one.

Returning to the newspaper clipping, Mr. President, this person says we must fight. The name is Erika Mann. I do not know who Erika Mann is; but Erika Mann says our neutrality laws are wrong. Erika Mann must be a great patriot, a member of some legislative body, or a great lawyer, who has studied the laws of our country, because Erika Mann is not hesitant about condemning the laws which Congress has passed. Erika Mann does not hesitate a moment about criticizing the action of the United States of America.

Let us go further and see what Erika Mann says:

"It is too late now," she regretted, "for decisions like these to help the loyalists in Spain. Had it not been for the nonintervention program, the tragedy that is at its height in Barcelona today might have been averted."

Erika Mann said, in criticism of the United States Government, that if we had not carried out the policy of nonintervention and the sort of neutrality we wanted, there would not have been any tragedy at Barcelona.

Who is Erika Mann, who without hesitation criticizes and condemns the Congress of the United States? Who is Erika Mann, who says that we, the people of the United States of America, must fight?

Let me read further. Erika Mann says:

"One cannot be a pacifist today in the former sense," said the serious brunette daughter of Thomas Mann, who said that her one purpose in life is to work for the downfall of fascism within the next 2 years.

I do not know who Mr. Thomas Mann is.

Mr. BARKLEY. Mr. President, will the Senator from North Carolina yield to me at that point?

Mr. REYNOLDS. I am delighted to yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. Thomas Mann is a very famous author. He has recently written a book entitled "The Triumph of Democracy."

Mr. REYNOLDS. The Triumph of Democracy?

Mr. BARKLEY. Yes.

Mr. REYNOLDS. Where is Mr. Mann now?

Mr. BARKLEY. I do not know. I have not seen him; I never saw him.

Mr. REYNOLDS. Where is Mr. Mann from?

Mr. BARKLEY. He was, I think, born in Germany.

Mr. REYNOLDS. He was born in Germany? How long has Mr. Mann been in the United States?

Mr. BARKLEY. The Senator from North Carolina ought to know that, because he has information about all aliens.

Mr. REYNOLDS. Oh, he is an alien?

Mr. BARKLEY. I do not know. I think probably he is.

Mr. REYNOLDS. Oh, he is an alien?

Mr. BARKLEY. I think he is.

Mr. REYNOLDS. The majority leader tells me that Mr. Thomas Mann is an alien.

Mr. BARKLEY. He was an alien.

Mr. REYNOLDS. And so the daughter of an alien in America is criticizing the Members of this body and telling the people of the United States that we must go to war and murder Hitler and the whole outfit. [Laughter.]

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. BARKLEY. I am not acquainted with Mr. Mann personally, but I know he has written this book and written other books. I do not know whether he has taken out his first papers or whether he has become a citizen, but my understanding is that he was born in Germany.

Mr. REYNOLDS. How did he happen to come to this country?

Mr. BARKLEY. I do not know. I have no information about it. The Senator asked who he was and I was trying to tell him.

Mr. REYNOLDS. I should like to know something about his form of democracy and if it is the same kind of democracy that he expounds in the pages of his book that has been observed by his daughter who comes here as an alien and tells us what we have got to do, namely, that we have got to beat hell out of Hitler. [Laughter.]

Mr. LEWIS. Mr. President—

Mr. REYNOLDS. I am delighted to yield to my friend from Illinois.

Mr. LEWIS. I shall disturb my friend from North Carolina merely to observe that Professor Mann, to whom he refers, achieved fame with us for his work on Joseph and His Brothers, a wondrous description of the rise and the movement of the Jewish people. I think Professor Mann is of Jewish birth, and, as my able colleague from Kentucky says, he was born in Germany.

Mr. REYNOLDS. I thank the Senator from Illinois and I shall always be indebted to the senior Senator from Kentucky for the information which he has provided.

Mr. BARKLEY. Mr. President, if the Senator from North Carolina will yield further, in this book Mr. Mann takes the position that democracy will ultimately prevail in spite of what now seems to be in many parts of the world an unfriendly atmosphere toward it. There is nothing strange about his theory compared to the theories of others who believe that in spite of present difficulties democracies will yet prevail in the world. That is the general theme of his book. It may be that his book has been superinduced by reason of the persecutions that have occurred in Germany with respect to his particular race. I am drawing my own conjecture in making that statement, but I have stated the general theme of the book which he has written.

Mr. REYNOLDS. Not having been provided with an opportunity of perusing the pages of that book pertaining to democracy, may I inquire whether or not Dr. Mann draws any distinction between the so-called democracy of Soviet Russia and that of the United States?

Mr. BARKLEY. Mr. Mann's book does not go into a distinction between what the Senator calls the democracy of Soviet Russia. I myself would not call it such; I think it is as much a dictatorship as may be found anywhere.

Mr. REYNOLDS. I said "so-called democracy." I have never described the Russian form of government as a democracy. Some, however, do.

Mr. BARKLEY. Very well, I make that correction. The theory of the book to which reference has been made is not woven around the difference between the form of government of Russia and that of the United States. It is based upon what seems to be the belief of the author that not only here but throughout the world the theory of democracy—that is, the right of the people to rule, to govern themselves, to have a voice in their government—will prevail in spite of the difficulties which now seem to beset it. That is the general sentiment of the book.

Mr. REYNOLDS. I thank the Senator.

Mr. WALSH. Mr. President, will the Senator yield for a further question?

Mr. REYNOLDS. Certainly.

Mr. WALSH. Does the Senator recognize any similarity between the propaganda at the present time in this country urging us to join forces with the democracies of Europe to protect our own democracy and the propaganda which preceded the World War?

Mr. REYNOLDS. Most certainly.

Mr. WALSH. Let me ask the Senator another question. What is the purpose, what is the objective of those urging us to abandon our neutrality and take sides with foreign democracies unless it be trade interests, business interests, or complete disregard of the lives of American people and their future prosperity and welfare? It surely is not in the interest of peace and the avoidance of war.

Mr. REYNOLDS. It is complete disregard of the lives of the American people and their future, I answer the Senator from Massachusetts.

Mr. WALSH. I thank the Senator, and I should like to see all those who are promulgating such propaganda put in the front line to face the enemy if they get us into war through the abandonment of every principle of neutrality.

Mr. REYNOLDS. And I should like to see all those who are promulgating this propaganda placed where they could not continue propaganda that perhaps will eventually drag us into war.

Mr. President, here is the daughter of an alien, I am told, who is sore at Hitler and the people of Germany. Mind you, Mr. President, I am interested only in one country in all the world, and that is the United States of America. But here is the daughter of an alien who comes to this country seeking asylum and protection who has the audacity to say we must fight, who has the audacity to criticize the Members of the Congress for the laws they have passed, who has the audacity to criticize the administration for the administration of the neutrality law.

I speak feelingly about this subject, Mr. President, because I do not want the United States to become involved in another war. I say to you, Mr. President, that if we should become involved in another war such involvement may be attributed to such people as I bring to your attention here today, who are not American citizens, according to the information I have upon the floor of the Senate, but, although they are not American citizens, they are demanding that the sons of American mothers be placed in uniform and under arms to strike down those in continental Europe whom they do not like.

Let me read further:

"One cannot be a pacifist today in the former sense," said the serious brunette daughter of Thomas Mann, who said that her one purpose in life is to work for the downfall of fascism within the next 2 years.

Think of it, Senators! This lady says that she has but one ambition in life, that her only ambition upon this earth is to bring about the downfall and destruction of fascism within

the next 2 years. And how? By spilling the blood of sons of American mothers to satisfy her hatred of Hitler and the Nazi Government. She says:

I have no hesitancy in calling for the blood of the sons of American mothers just so I can get even with that government which I despise.

Think of it, Senators!

I wish to read the remainder of this article, and I extend no apologies to anybody for consuming the time upon the floor of the Senate in talking about this subject today, because it is more important to the American people than any other subject. War! Let us see about it.

To be a pacifist in the old way, to declare that we wouldn't fight under any circumstances, is to help the Fascist and Nazi program.

We are criticized; it is said that we are yellow feathered, that we have a yellow streak up our backs, because we will not go to war right now with Germany and Italy. I want to ask Senators something, and I invite any Member of this body to answer the question. If there is an answer to it I want to hear it, and I want the American people to hear it. The American people today are more thoroughly aroused than ever before.

Mr. BONE. Mr. President—

Mr. REYNOLDS. I yield to the Senator from Washington.

Mr. BONE. Where did the young lady make this speech?

Mr. REYNOLDS. I will say to the Senator that I clipped this article from the New York World-Telegram. It appears on page 14 of that newspaper. The address must have been made in New York. The article is by Miss Sally MacDougall.

Mr. BONE. The speech was made by the daughter of Thomas Mann?

Mr. REYNOLDS. Yes; by the daughter of Thomas Mann. Let us see what was said:

To be a pacifist in the old way, to declare that we wouldn't fight under any circumstances, is to help the Fascist and Nazi program.

I have commented upon that.

The sacrifice we must make to our principles is to admit that world conditions today demand an attitude of aggression.

Senators, think of that! Think of that! We are criticizing the nations of the earth for their aggressions, and yet this person who speaks through the columns of the press says we must make aggressions for the sake of humanity, regardless of the amount of blood to be spilled or the number of lives to be lost.

Mr. BARBOUR. Mr. President, will the Senator yield?

Mr. REYNOLDS. I am glad to yield to my friend from New Jersey.

Mr. BARBOUR. The Senator from North Carolina has been, I am glad to say, directing a number of his remarks to me, or at least he was good enough to look at me while he was indulging in those remarks. I hope the Senator does not feel that I am in any way in conflict with his views. I feel as strongly as he does that if there is one thing about which all Americans agree, it is that we shall mind our own business and keep out of all foreign entanglements of any sort. That is my own personal conviction also.

Mr. REYNOLDS. I thank the Senator very much; and I want to tell him the reason why I looked at him.

I am very fond of the Senator from New Jersey, the Honorable W. WARREN BARBOUR. I have a picture of him made when he was a youngster, just a few years ago, in a fighting costume. At the time the picture was made he was the champion heavyweight fighter of the world; and I always like to look at him, because he provides me with strength and with inspiration.

Mr. BARBOUR. I thank the Senator very much for his very kind reference to my old boxing days. My spirit, I think, perhaps is the same, though my chest may have slipped down a little since those early days. [Laughter.]

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. Yes.

Mr. BARKLEY. The Senator from North Carolina may need inspiration, but nobody in this Chamber thinks he needs strength. [Laughter.]

Mr. REYNOLDS. I thank the Senator very much. I only wish, Mr. President, that my voice were sufficiently strong to reach the ears of every man, woman, and child residing within the confines of the United States, because I want the 130,000,000 people of America, and particularly the mothers of America, to know that among those who are pushing us into war are those who, I am advised, are not even American citizens, and the others are Communists.

Mr. BONE. Mr. President.

Mr. REYNOLDS. I yield to the Senator from Washington.

Mr. BONE. I should like to have the Senator's view as to whether or not he thinks we are—to use his own term—minding our own business when we sell military airplanes to any country, including France and England.

I do not want to embarrass the Senator if he does not care to answer the question.

Mr. REYNOLDS. I say to the Senator from Washington that I see no reason why we should not sell to whoever wishes to buy. If we sell to one, being neutral, we of necessity must sell to another; and if we sell to one and refuse to sell to another, that is lining ourselves up with one side or the other. That is my reasoning.

Mr. BONE. Mr. President, may I intrude again upon the Senator's address?

Mr. REYNOLDS. It is no intrusion. I shall be very happy to have the benefit of the Senator's observations, because, knowing the Senator as I do, I realize that he is particularly interested in the matters under discussion, for he comes from a part of the country which probably contributes more to the fleets of the air than does any other section of the United States, and probably contributes as much to the Navy and to the Coast Guard as any other section of the United States. At Lake Washington there is a great naval port. When I was there last fall, as the Senator will recall, I saw about 400 planes come in there one day from different sections of the country; and the Senator is not far removed from the Bremerton section, where there are great ship-building yards, and from the location of the Boeing plane plant.

I am glad to yield to the Senator from Washington.

Mr. BONE. Merely to keep the record straight, and so that the American people may have no misunderstanding about this matter or have any illusions whatever left, let it be known that shortly after Hitler came into power in Germany American airplane manufacturers began to arm Hitler and the new Germany in the air; and the great air fleet built up in Germany was in no small degree the product of American airplane factories. If Hitler has become a menace in the air and a menace to Europe and any blame or responsibility is to attach to the commercial aspects of that sort of business, the blame must rest upon American airplane manufacturers, for the records of the Senate Munitions Committee are replete with that picture. Probably 2,500 of the finest airplane engines made in this country were sent into Germany to arm Hitler in the air, in defiance of the clear provisions of the Versailles Treaty. American airplane patents covering the latest devices on airplane engines were freely given to Germany and were being manufactured by the Bavarian Motor Works in Germany.

I should like to have the Record show those facts, because long before this issue was raised on the floor of the Senate at this particular session and at the last session American airplane manufacturers were arming Mr. Hitler in the air as completely as he was able to pay for the equipment; and if he became a menace to Europe we made our contribution to that menace.

Mr. REYNOLDS. And he then, according to my recollection, could buy all the airplane engines he desired, or paraphernalia connected therewith, if he had the money with which to pay for them; if he was able to put the money "on the line," as it is called.

Mr. BONE. That is correct.

Mr. REYNOLDS. Since the Senator has mentioned our contribution to Germany's arming, and now we have criticism of her, if I may be permitted to shift the scene briefly to the Senator's section of the world—or, I should say, to oriental waters—it is my recollection that prior to 1860 Japan was a hermit nation. The Japanese were not dealing generally with the world. We had an admiral of the Navy by the name of Perry. We had been endeavoring to get Japan to trade with the world. England had tried; other nations of the world had made efforts but were not successful. The Japanese wanted to remain a hermit nation, purely nationalistic and self-sufficient within themselves. Then our Government sent Perry on a ship, accompanied by a couple of others, with instructions to open up the gates of commerce of Japan.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. REYNOLDS. I shall be glad to yield to the Senator from Wyoming.

Mr. SCHWARTZ. With reference to what the Senator said a moment ago to the effect that if we sell to one nation we should sell to all, it is also true, is it not, that we sell planes and have sold planes to Russia and also to England and France, and that during the past year we have sold scrap iron, airplane engines, and parts to Japan?

Mr. REYNOLDS. Absolutely. I thank the Senator. We have been selling everywhere. This is not a new thing.

But getting back to Japan, we opened up the gates of that country. Admiral Perry had instructions to open them up or tear them down. He sent a few little presents, and said some honeyed words, and indulged in a fine line of conversation, and he was successful where the other nations of the world had not been successful. The Japanese began to trade, and then we became involved in civil strife, and the other nations of the world walked in and were trading with Japan. When the Civil War was over we went back, and we found that vessels flying the Japanese flag were sailing the seven seas, and we said to Japan, "Now, listen: You have a marine that ought to be protected. You ought to have a battleship to protect your marine." They said, "We do not want any battleship. We are a peaceful nation." We said, "You will have one, or we will blow you out of the water." We made Japan buy a battleship, and then along came England and did the same thing, and now we are telling them they cannot have anything.

I mention these facts because the Senator from Washington [Mr. BONE] a moment ago referred to our selling planes to Hitler; and, as the able Senator from Wyoming [Mr. SCHWARTZ] has just remarked, Japan has cleaned up all the backyards in the United States by buying the scrap iron; and once upon a time the Japanese bought about all the cotton we had in the South. In one year, I think, we sold them about 115 or 120 million dollars' worth of cotton, but now we are not selling much.

Let me pursue the newspaper clipping further. This is the most remarkable thing that has come into my hands for a long while. By the way, this is the first time I have read the whole interview. I read just the first paragraph before, but it becomes more interesting as I read, and as I am provided with opportunity to discuss it:

If facism and the Nazi program are allowed to go through 1940—

Says this person who I am led to believe is an alien—

I am afraid we shall see the most terrible war the world has ever had.

Who is going to involve us in the most terrible war the world has ever had? Such people as this lady who says "We must fight." And on making inquiry as to the person who used those three words, "We must fight," we learn that she comes from foreign shores, that she hates the government over there, and that she is willing to spill the blood of American children to satisfy her hatred. I ask Senators, is that American patriotism? I leave that for the American people to answer.

Mr. SCHWARTZ. Mr. President—

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Does the Senator from North Carolina yield to the Senator from Wyoming?

Mr. REYNOLDS. I yield.

Mr. SCHWARTZ. Who is this individual whom the Senator has quoted?

Mr. REYNOLDS. "This individual who says we must fight I never knew; I never heard of her until I came on to the floor of the Senate and began to read this article. This Erika Mann is the daughter of a gentleman who came from Germany about a year ago, and from all the information I have here, is an alien, and she, the daughter of an alien, is telling us, as soon as she puts her foot upon our shores, that we have to fight, that she hates Hitler and Germany, and regardless of the deaths it will cause, and the sorrow, that we have to go to war.

Mr. SCHWARTZ. If the Senator will yield further, the purpose of my inquiry is to find out whether this person has some responsibility that should lead us to take serious notice of what she says.

Mr. REYNOLDS. I never heard of her before, but I have made inquiry, and I find that she is the daughter of a very eminent alien, who did not like Germany, and came to this country, and, not satisfied with their own country, the minute they get here they are trying to get us into war, just like the Communists who come here from Russia and all the other places in the world, and the minute we let them in, and the minute they become citizens, they try to overturn our form of government.

The time has arrived when the American people have to wake up, and if I can do anything to wake them up, I am going to do it. I do not know whether I can help much, but I am going to do my best.

She thinks that the pacifist attitude that prevented the Czechs from fighting for their country was the hinge that swung toward this week's happenings in Spain and an avalanche of worse days that may be ahead, especially for France.

She mentions France. Poor France. I feel sorry for France. France has a population of 42,000,000. I talked with the Minister of Education at the time when I talked to the Minister of War, and he told me that if the population of France continues to decrease for the next 50 years as it has been decreasing instead of increasing for the past several years, they would have a population about equal to that of Spain—24,000,000.

France has been destroyed from within. France depended upon Stalin and the Communists of Russia to stand by her as the result of their military alliance, and when the time came for the Soviet Union to act, France found that the Soviet Union and Stalin "ran out on her," told her they could not send any planes to France and that they could not fight.

Everyone knows—and our Ambassador to France will be bound to disclose if he is asked—that as a result of that military alliance hundreds of thousands of Communists slipped into France, and those Communists, those termites, have been destroying France from within, and Frenchmen today everywhere will state that what has dragged France down, and made her a second-class nation today, is that they let the Communists in.

Not only that, she came near getting into trouble by taking a hand in the difficulties in Spain. Senators will recall reading in the headlines that thousands of trucks loaded with supplies for the loyalist government went right across the line on the Spanish border. Those who have been there have seen the same thing. France had a fight last week over taking any further interest in the matter.

Let us get back to this person who has just come to the United States and says we have to go to war. I note that she mentions Germany. She refers to unrest in Germany. She says:

If they had let the Czechs go to war Germany would have been armed, there would have been a revolution long before now and Hitler would have been finished by this time.

Oh, she hates Hitler. She wants the United States to go to war, she wants to arm and uniform the sons of American mothers just because she wants Hitler destroyed.

I am quite sure of that. He is the last man in the world who wants war, because he knows about the seething unrest and revolt throughout Germany. But until there are guns in their hands the people can do nothing.

Miss Mann said that sometimes it gives her a jolt to realize that she can talk and think in terms of aggression.

Think of it. We are criticizing all of the countries in the world for their aggression, and she says that she is glad that now she can think in terms of aggression, and that we should go to war. I read further:

I hardly recognize myself for the person I was a few years ago, when I was studying art and preparing to go on the stage. Events have altered me completely.

She said that recent stories coming out of Spain about the bravery of Loyalist women were no surprise to her.

REAL WORK FOR PACIFISTS

"What use is horror?" she asked. "Indulging in that sort of feeling is luxury for many people. Sometimes I think it must be very comfortable to be filled with horror and do nothing about it. Those of us who have been pacifists have real work to do. One cannot expect politicians—"

To whom is she referring there? She must be talking about the Members of the Congress of the United States, because this body was created for the enactment of such neutrality laws as we now enjoy, and she did not hesitate to criticize and condemn the Government for its administration of the neutrality law.

One cannot expect politicians of any country to be humanitarians, though one did not expect them to be as stupid as some of them have turned out to be.

[Laughter.]

We are stupid, we are a lot of "dumbbells" for not putting the United States into war over in Europe against Hitler and Mussolini because she is mad with them. I do not know how she happened to come here. I expect she came here to try to get us into war.

There will be plenty to do, for it looks as though trouble for France is brewing. If more Americans had demanded that tanks and antiaircraft guns be sent to the Loyalists last year, Franco would not today be in Barcelona.

I am not going to enter into the question of the embargo over there.

All my life I shall remember the bright, brave spirit of Spanish women.

"We must fight," says this lady who has just reached the United States from foreign shores. She no sooner arrives here than she wants to get the United States involved in a war; but that she cannot do, because the American people will not stand for it, recognizing, as the able Senator from Massachusetts [Mr. WALSH] stated a moment ago upon the floor of the Senate, that what takes place in Europe or in any other part of the world is none of the business of the people of the United States, and if we want to keep out of war we had better keep our skirts clear from difficulties in the other parts of the world.

ORDER OF BUSINESS

The PRESIDING OFFICER. The clerk will state the first order of business on the calendar, pursuant to the unanimous-consent agreement.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the call of the calendar under the agreement previously entered into, be postponed, and be the first order of business tomorrow.

Mr. McNARY. Mr. President, I concur in the request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair) laid before the Senate a message from the President of the United States submitting a nomination in the Coast Guard, which was referred to the Committee on Commerce. (For nomination this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES DURING ADJOURNMENT

Under authority of the order of the Senate of the 28th ultimo, the following executive reports were submitted during adjournment of the Senate:

On January 30, 1939:

Mr. VAN NUYS, from the Committee on the Judiciary, reported the following nominations:

Otto Kerner, of Illinois, to be a judge of the United States Circuit Court of Appeals for the Seventh Circuit; and William H. McDonnell, of Illinois, to be United States marshal for the northern district of Illinois.

Mr. HATCH, from the Committee on the Judiciary, reported favorably the nomination of Chester S. Dishong, of Florida, to be United States marshal for the southern district of Florida.

Mr. LOGAN, from the Committee on the Judiciary, reported favorably the following nominations:

Lonnie B. Ormes, of Tennessee, to be United States marshal for the middle district of Tennessee; and

Thomas D. Samford, of Alabama, to be United States attorney for the middle district of Alabama.

Mr. CONNALLY, from the Committee on the Judiciary, reported favorably the nomination of Gaston Louis Porterie, of Louisiana, to be United States district judge for the western district of Louisiana, to fill a position created by the act of Congress of May 31, 1938.

Mr. HARRISON, from the Committee on Finance, reported favorably the following named sanitary engineers to be senior sanitary engineers in the United States Public Health Service, to rank as such from the dates set opposite their names:

Howard Norman Old, December 15, 1938; and

Frank Russell Shaw, December 18, 1938.

On January 31, 1939:

Mr. LOGAN, from the Committee on the Judiciary, reported favorably the nomination of William Baxter Lee, of Tennessee, to be United States district judge for the eastern and middle districts of Tennessee, to fill a position created by the act of Congress of May 31, 1938.

EXECUTIVE REPORTS OF COMMITTEES

Mr. THOMAS of Utah, from the Committee on Education and Labor, reported favorably the nomination of Jewell W. Swofford, of Missouri, to be a member of the United States Employees' Compensation Commission for a term of 6 years from March 15, 1939. (Reappointment.)

Mr. KING, from the Committee on the Judiciary, reported adversely, with a recommendation for rejection, the nomination of Floyd H. Roberts, of Virginia, now serving under a recess appointment, to be United States district judge for the western district of Virginia.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state in their order the nominations on the calendar.

THE JUDICIARY

The Chief Clerk read the nomination of Otto Kerner, of Illinois, to be judge for the seventh circuit of the United States Circuit Court of Appeals.

Mr. LEWIS. Mr. President, I ask unanimous support of this very able and competent man for the position of judge for the seventh circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of William Baxter Lee, of Tennessee, to be United States district judge for the eastern and middle districts of Tennessee.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Gaston Louis Porterie, to be United States District Judge for the western district of Louisiana.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES ATTORNEY

The Chief Clerk read the nomination of Thomas D. Samford to be United States attorney, middle district of Alabama.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES MARSHALS

The Chief Clerk read the nomination of Chester S. Dishong to be United States marshal, southern district of Florida.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of William H. McDonnell to be United States marshal for the northern district of Illinois.

Mr. LEWIS. Mr. President, the nomination provides for the reappointment of one who has already rendered splendid service. I therefore move the confirmation of his nomination.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Lonnie B. Ormes to be United States marshal for the middle district of Tennessee.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The Chief Clerk read the nomination of Howard Norman Old, to be senior sanitary engineer, United States Public Health Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Frank Russell Shaw to be senior sanitary engineer, United States Public Health Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 38 minutes p. m.) the Senate took a recess until tomorrow, Thursday, February 2, 1939, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate February 1, 1939

Lt. (J. G.) Quentin M. Greeley to be a lieutenant in the Coast Guard of the United States, to rank as such from July 1, 1937. (Lieutenant Greeley is now serving under temporary commission issued during the recess of the Senate.)

CONFIRMATIONS

Executive nominations confirmed by the Senate February 1, 1939

UNITED STATES CIRCUIT COURT OF APPEALS

Otto Kerner to be a judge of the United States Circuit Court of Appeals for the Seventh Circuit.

UNITED STATES DISTRICT JUDGES

William Baxter Lee to be United States district judge for the eastern and middle districts of Tennessee.

Gaston Louis Porterie to be United States district judge for the western district of Louisiana.

UNITED STATES ATTORNEY

Thomas D. Samford to be United States attorney for the middle district of Alabama.

UNITED STATES MARSHALS

Chester S. Dishong to be United States marshal for the southern district of Florida.

William H. McDonnell to be United States marshal for the northern district of Illinois.

Lonnie B. Ormes to be United States marshal for the middle district of Tennessee.

PUBLIC HEALTH SERVICE

Howard Norman Old to be senior sanitary engineer.

Frank Russell Shaw to be senior sanitary engineer.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 1, 1939

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou Ancient of Days, when the earth felt its first throb of life, it was touched to form by Thine infinite spirit. Thou didst gather it up and shape it into unjarring harmonies. O help us to live in the revealing glory of the Light of the World. O bread of life, come to the souls of men, lift us high to the still place where we may know of Thine unsearchable riches. Enable us to think true thoughts and speak true words. A pure thought breathed into the blossom of a pure word is an inspiration to good and upright living. Almighty God, allow not the air of uncertainty to tremble before our gaze. May we discern clarity, intention, and purpose in the trend of things. O make bare Thine arms. Fold them about our President, our Speaker, and the Congress; and may they declare that greatness which makes men great. In the name of our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein a speech made by Secretary of the Interior Ickes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. VOORHIS of California asked and was given permission to extend his remarks in the Record.

WORK RELIEF AND RELIEF

Mr. WOODRUM of Virginia, from the Committee on Appropriations, filed a conference report and statement on House Joint Resolution 83, making appropriation for work relief and relief for printing under the rule.

PERMISSION TO ADDRESS THE HOUSE

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. WHITE of Idaho asked and was given permission to revise and extend his remarks.

IDAHO HIGHWAY TO YELLOWSTONE PARK

Mr. WHITE of Idaho. Mr. Speaker, the grandeur of the western mountains and the scenic beauty of the national

parks attract thousands of visitors and tourists to our Western States annually. Particular interest is manifested in the Yellowstone National Park, and many travelers journeying to the southwest and desirous of seeing America first include the Yellowstone Park in their itinerary. After touring the park many seek a direct route from the Yellowstone to Salt Lake and the southwest through the beautiful valleys and wonderful mountain ranges of southeastern Idaho only to meet with disappointment when they find that there is no gateway from the Yellowstone into the adjoining State of Idaho.

Mr. Speaker, the State of Idaho to provide accommodations for this travel, has in good faith and in accord with an understanding reached with the National Park Service, constructed a link in the State highway system through the Bechler Basin to the park boundary at Cave Falls, to connect with a short link in the park highway system to be constructed by the Park Service between Cave Falls and the Old Faithful Inn which will provide a direct route through the wonderful Saw Tooth Mountain ranges in Idaho to Salt Lake and California.

Now, Mr. Speaker, as a matter of convenience to the vacationists and travelers to the southwest passing through the Yellowstone Park and to encourage visitors to our national parks and trips through the matchless mountain sections of Idaho, the people of our State in support of a plan to establish a gateway between the national park and the construction of a link to connect the Yellowstone loop highway with the Idaho State highway system, have joined, speaking through the house and senate of the Idaho State Legislature in a joint memorial to Congress to "urge the passage of such legislation and that Congress make the necessary appropriations to provide for and to carry to completion the construction of the road" mentioned within the boundaries of the Yellowstone Park.

Mr. Speaker, I ask unanimous consent that the memorial herewith presented by the State Legislature of Idaho may be printed in the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

House Joint Memorial 1

Joint memorial to the honorable Senate and House of Representatives of the United States of America in Congress assembled

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that

Whereas the Yellowstone National Park is bounded by three intermountain States, namely, Idaho, Montana, and Wyoming, with three entrances from Montana, two from Wyoming, and none from Idaho; by reason of the reputation and popularity of the said Yellowstone National Park as a national playground, thousands of people from the Nation and the world visit said park each year, and as a result thereof great publicity of a beneficial nature and of great value accrues to these two States, namely, Montana and Wyoming, and the gateway communities of said States; that

Whereas due to said travel the greatly increasing traffic in said national park is producing and will continue to produce, unless relieved, great traffic congestion at said entrances and in the so-called Bottle Neck at Old Faithful in said park; and

Whereas there now exists a State highway in the State of Idaho for an Idaho entrance via the Bechler Ranger Station and Bechler River to the Yellowstone National Park line which would require an additional construction of highway by the Government of approximately 22 miles to extend such highway to the Yellowstone Loop Highway at Old Faithful and produce an Idaho entrance which would relieve said point and its traffic congestion and open up a highly scenic area within the said Yellowstone National Park not now accessible to the motorist, and would provide great additional benefits to the State of Idaho and to communities along said entrance: Now, therefore, be it

Resolved by the House of Representatives of the State of Idaho (the senate concurring), That we most respectfully urge upon the Congress of the United States that the said Congress favorably consider such legislation and passage and make such necessary appropriations to provide for and carry to completion the highway above mentioned from the Yellowstone Park line to the Loop Highway of said Yellowstone National Park at Old Faithful, and that the National Park Service of the Department of Interior of the United States be authorized to begin immediately on the construction of said highway; be it further

Resolved, That the secretary of state of the State of Idaho be authorized, and he is hereby directed, to immediately forward certified copies of this joint memorial to the Secretary of the Interior,

to the Senate and House of Representatives of the United States of America, and to the Senators and Representatives in Congress from this State.

WORK RELIEF AND RELIEF

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for one-half minute in order that I may ask the gentleman from Virginia a question.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TABER. Mr. Speaker, can the gentleman from Virginia inform the House when it is purposed to bring up for consideration the conference report on the relief bill?

Mr. WOODRUM of Virginia. It is the purpose to call it up the first thing tomorrow.

EXTENSION OF REMARKS

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein a copy of a letter I wrote to Mr. Donald Wakefield Smith, member of the National Labor Relations Board, and his reply to my letter, notwithstanding the estimate of the Public Printer that it will make three pages of the CONGRESSIONAL RECORD at an estimated cost of \$135.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the need for a permanent Public Works Administration.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GRANT of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address on the life and character of Robert Edward Lee delivered by Mrs. L. M. Bashinsky, past president general of the United Daughters of the Confederacy at the State Teachers College in Troy, Ala., January 19, 1939.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article from the American Teacher.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MERRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter I received in opposition to Senate Resolution No. 24, introduced by Senator NYE.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMITTEE ON THE JUDICIARY

Mr. SATTERFIELD. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during the sessions of the House for the remainder of the week in consideration of House Resolution 67.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, are the minority members agreeable to this request?

Mr. SATTERFIELD. Yes; I may say to the gentleman from Massachusetts, I am sure they are.

Mr. MARTIN of Massachusetts. And the request is for this week only?

Mr. SATTERFIELD. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

EXTENSION OF REMARKS

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an address of the Honorable Albert W. Hawks to the Congress of American Industry.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. HARTLEY]?

There was no objection.

ELECTION TO COMMITTEE ON THE CIVIL SERVICE

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 76

Resolved, That JOHN C. KUNKEL, of Pennsylvania, be, and he is hereby, elected to the Committee on the Civil Service of the House of Representatives.

The resolution was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. ALEXANDER]?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I wish to call the attention of this Congress to the fact that yesterday, January 31, 1939, the Netherlands Trade Agreement with the United States expired.

I wish also to suggest to the proper committee of the House that they immediately take steps to investigate this agreement with the idea of canceling same or of so reducing its effect by tariff imposition as to prevent the further dumping here of sago and tapioca starch, which, in 1937, amounted to the enormous sum of 466,327,683 pounds, or nearly 40 percent of this country's total starch consumption.

This means direct and destructive competition with Maine, New York, Minnesota, Montana, and Idaho potatoes; competition with Ohio, Indiana, Illinois, Iowa, and Minnesota corn; with our wheat; and our Southland's rice; and a continual reduction or depression of farm prices in general because we cannot hope to compete with this duty-free, cheap, tropical-labor production and retain our high standard of living or civilization.

No doubt you appreciate the fact that a fair proportion of several important agricultural crops are converted into starch, either for sale as such or as derivatives of starch, such as sirup and sugars. In the case of corn about one-third of all the corn grain shipped to the primary markets is converted into cornstarch, or into one of a multitude of its derivatives. In short crop years the proportion is even greater. The corn-refining industry consists of 14 plants, which have processed in recent years from 58,000,000 bushels in 1935 to 87,000,000 bushels—in 1926 and also 1929—of shelled corn annually. Over 68,000,00 bushels were processed in 1937. The corn-refining industry in recent years has paid the United States farmers more money annually than they have received from any one of 68 different crops, and there are only 78 important crops. This industry paid out more money for corn in either 1936 or 1937 than the farmers received from the sale of their corn grain in 46 out of the 48 States.

The United States potato-starch industry is large in Maine, where from 1,000,000 to 5,000,000 bushels of potatoes have been processed annually since 1927-28. Some potato starch is produced in Minnesota. About 15,000,000 pounds of wheat starch and approximately 1,000,000 pounds of rice starch are produced annually.

These industries are primarily American, using domestic labor, capital, and equipment. The corn-refining industry is a heavy-goods industry. The United States starch industries are liberal consumers of goods and services of other industries. Extensive use is made of paper and cotton bags. Chemicals and coal are an important item. The transportation of, first, the raw agricultural products to the plants and the accumulation of supplies, and then the shipment of the starches, their derivatives, and the byproducts to consuming centers are reasonably important sources of revenue to the railroads.

A severe competitive situation exists in the starch industry. Every starch-producing product, every kind of starch, and

every product competing with any starch is subject to a tariff, except tapioca and sago, two tropical starches which enter the United States free of duty. According to the Tariff Act of 1930, all starches are subject to an import duty. However, the Tariff Act of 1930 classifies tapioca and sago as "flour," although in various publications the Tariff Commission and the Department of Agriculture refer to them as starches. In addition they have been bound to the free list by the Netherlands Trade Agreement.

In binding tapioca and sago to the free list, through the medium of the Netherlands Trade Agreement, the Department of State caused United States agriculture, particularly the Potato, Rice, Wheat, and Corn Belt farmers, to lose an important outlet for cash crops. To date the only manner by which the Department of State will permit agriculture to meet the competition from the duty-free starches is on a price basis. To effectively compete with the imported starches, corn as a raw material for cornstarch production would have to decline below the current level of prices, which, from the Corn Belt farmers' standpoint, is generally considered unsatisfactory to the maintenance of a reasonable income and standard of living.

The current drop in the imports of tapioca and sago does not mean that the American starch interests will no longer be affected by the imports of the duty-free starches. From 1900 to date the imports have increased at an average rate of 6 percent per year, or have increased 100 percent every 12 years. The rate of increase is materially greater than that of those industries which require starch as a raw material. Obviously, the United States starch market is being taken over by foreign interests. It means a decreasing market exists for those United States farm products which may be used for starch production.

Why do these imports exist? There are many reasons. The most important one is that tapioca and sago are free of any import duty; in addition, they are bound to the free list by the Netherlands Trade Agreement. The cost of producing tapioca or sago is much less than that of corn or cornstarch. The tropical starches far outyield corn in the amount of starch produced per acre of raw material; their labor is exceedingly cheap—25 cents per day; capital equipment is crude and limited, and the hot tropical sun is extensively substituted for coal. These tropical starches are, therefore, in a better competitive position than cornstarch. The corn-loan plan of the Agriculture Adjustment Act of 1938, and the Government's efforts to raise prices, and its sympathy toward higher prices of other items which form a large proportion of the total cost of starch have limited the domestic starch manufacturers' efforts to effectively compete with the imported starches on a price basis but with what a cost in the taxpayers' hard-earned money!

Attached are a number of tables and charts. There is a tabulation and a chart of the imports over a period of years. The proportion of the domestic starch market taken over by tapioca and sago is depicted in a table and chart. There is also an illustration of the relationship between the prices of cornstarch and tapioca and the duty-free imports. When tapioca is relatively expensive, the imports are small; when it is relatively cheap, as it has been for many years, the imports are large. The same price story applies in large part of potato starch.

THE PROBLEM OF CULL POTATOES IN MINNESOTA

A few years ago Minnesota supported a potato starch and flour industry. There were 17 plants for the manufacture of high-grade potato starch and flour that helped the farmers by returning to them some profit on the small or defective potatoes that were graded out to maintain the size and quality required for table stock. Only one plant, at Dalbo, is now in operation. Plants at Cambridge and Princeton are still usable but have not operated for several years. The plant at Dalbo still has unsold its last year's production of 100 tons of fine food quality starch. Close grading, if again established, will again yield a sufficient quantity of low-grade stock to reestablish this industry and give employment to Minnesota labor.

The potato-starch industry in Maine operated 23 plants with aid from the Government to farmers for diverting potatoes. Idaho operated 4 factories for their cull stock. Starch and potato flour were sold to the Surplus Commodities Corporation and given to the Relief Administration for distribution. One hundred and seventy-five thousand pounds were shipped into Minnesota to relief clients and the flour was well liked. It is used for gravies, fish balls, frying, potato bread, and it makes good mashed potato. This competed with the Minnesota plant at Dalbo, that received no governmental support.

The United States is the only country that produces starch that does not protect its producers by an import tax. In the Netherlands Trade Agreement which expired yesterday starch from the Netherlands Indies is allowed to enter the United States free of duty. The Netherlands homeland itself protects its own potato-starch industry by an import tax on sago and tapioca flour from its own colonies.

This agreement must not be renewed, and a protective import tax must be levied on starches, at least those of food grade, to protect our corn, rice, wheat, and potato industries.

Imports of tapioca and sago into the United States, fiscal years 1900-1918 and calendar years 1918-37

Year ended June 30:	Pounds
1900	16,846,056
1901	17,463,037
1902	27,608,739
1903	36,926,743
1904	42,485,474
1905	39,752,222
1906	44,015,071
1907	53,394,075
1908	61,086,838
1909	73,160,409
1910	49,144,386
1911	72,680,218
1912	61,335,612
1913	83,745,277
1914	81,275,445
1915	66,710,460
1916	75,838,057
1917	108,410,162
1918	114,531,221
Year ended Dec. 31:	
1918	80,564,156
1919	98,553,585
1920	104,098,137
1921	54,608,784
1922	95,075,153
1923	101,335,401
1924	89,197,614
1925	124,737,274
1926	109,459,129
1927	116,272,637
1928	176,541,580
1929	181,389,907
1930	114,049,999
1931	149,526,124
1932	139,476,830
1933	202,718,852
1934	188,870,639
1935	226,918,332
1936 ¹	305,938,103
1937 ²	466,327,683

¹ The Netherlands trade agreement became effective Feb. 1, 1936.

² Preliminary, subject to revision.

Compiled from Foreign Commerce and Navigation of the United States, Department of Commerce.

Ratio of imports of tapioca and sago to total starch consumption, United States, 1920-37

Calendar year	Starch consumption ¹	Imports of tapioca and sago ²	Percent imports of tapioca and sago of domestic starch consumption
	Million lbs.	Million lbs.	Percent
1920	672.7	104.1	15.5
1921	649.7	54.6	8.4
1922	791.7	95.1	12.0
1923	714.7	101.3	14.2
1924	727.4	89.2	12.3

¹ Consists of domestic cornstarch sales compiled by the Corn Refiners' Statistical Bureau, and wheat-starch production, rice-starch production, and potato-starch production compiled from records of and reports to the Corn Industries Research Foundation; also of imports of starches, including all duty-free farinaceous substances (tapioca, sago, and arrowroot), compiled from official records of the Department of Commerce. Sweetpotato-starch production was included after 1934.

² Includes crude sago, sago flour, crude tapioca, tapioca flour, and prepared tapioca.

Ratio of imports of tapioca and sago to total starch consumption, United States, 1920-37—Continued

Calendar year	Starch consumption	Imports of tapioca and sago	Percent imports of tapioca and sago of domestic starch consumption
	Million lbs.	Million lbs.	Percent
1925	742.2	124.7	16.8
1926	733.6	106.5	14.8
1927	812.3	116.3	14.3
1928	836.2	176.5	21.1
1929	909.1	181.4	20.0
1930	717.4	114.1	15.9
1931	750.9	149.5	20.0
1932	666.3	139.5	21.0
1933	924.0	202.7	22.0
1934	835.6	188.9	22.7
1935	892.0	226.9	25.6
1936	1,153.8	305.9	26.6
1937 ³	1,199.0	466.3	38.9

³ Preliminary and subject to revision.

Important dislocations resulting from duty-free starch imports¹

Revenue to the farmer:

The 466,327,683 pounds of duty-free starches imported in 1937 are equivalent to the cornstarch produced from about 13,700,000 bushels of corn.* One bushel of corn yields approximately 34 pounds of cornstarch. Weighting the average monthly price of corn at Corn Belt farms by each month's corn grind, the weighted average price for 1937 was 93.5 cents per bushel. The value of 13,700,000 bushels at 93.5 cents per bushel is—

\$12,810,000

Revenue to the railroads:

a. Freight revenue on the corn-grain equivalent of the duty-free starch imports—

1,370,000

(The average freight from the farm to the processing plant is about 10 cents per bushel.)

b. Freight revenue on cornstarch—

700,000

(It is assumed that the freight revenue on cornstarch from the corn processing plants to the points of consumption would be at least 15 cents per 100 pounds greater than the revenue obtained from the transportation of the duty-free starches from the Atlantic coast ports to the points of consumption.)

c. Freight revenue on the byproducts obtained from the processing of the corn-grain equivalent of the duty-free starch imports—

330,000

(It is assumed that in the processing of a bushel of corn from 14 to 16 pounds of byproduct feeds are produced; also the average freight rate on the byproduct feeds from the point of production to that of consumption is \$3 to \$3.50 per ton.)

In addition, the processing of a bushel of corn yields about 1½ pounds of corn oil; the average freight on corn oil is estimated at one-half cent per pound—

100,000

d. Freight revenue to railroads on coal which would have been consumed to process corn-grain equivalent of the duty-free starch imports—

226,000

(The average freight per ton is about \$1.)

e. Freight revenue from other fuel, chemicals, bags and containers, supplies, etc., estimated at—

1,250,000

Revenue to labor:

a. Wages of men at corn plants to process the corn equivalent of the duty-free starch imports—

1,680,000

(About 7,000 men are employed at the corn-processing plants. The daily average capacity of the corn-processing plants is 365,320 bushels. Assuming the plants could operate at about 90 percent of their capacity, it would take a little more than 8 5-day weeks to process 13,700,000 bushels, the corn-grain equivalent of the imports. The average wage per week is \$30.)

b. Wages to bituminous-coal miners—

250,000

(It would take about 226,000 tons of bituminous coal to process 13,700,000 bushels of corn. The average output per man per day is 4.5 tons and the average wage is about \$5.)

c. Revenue to additional railroad labor—

(The freight revenue listed above would cover a large portion of dislocation in railroad labor. However, the processing of an additional 13,700,000 bushels would probably

¹ The figures apply similarly in varying degrees to potatoes, wheat, and rice starches.

Important dislocations resulting from duty-free starch imports—
Continued

require more locomotives, cars, other equipment, and crews. The amount involved is not known.)

Revenue to labor—Continued.

d. Revenue to farm labor—

(The price of corn under "revenue to the farmer" would include practically all of this item. It would not cover additional costs, if any, necessary to provide a larger supply of corn-grain, such as shelling charges, storage, etc.)

Miscellaneous:

Elevator charges	\$250,000
Fuel, excluding coal, chemicals, cotton bags and other containers, and miscellaneous supplies necessary to process the additional 13,700,000 bushels of corn (excluding freight costs included under "revenue to the railroads")	2,500,000

Total	21,466,000
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EXTENSION OF REMARKS

Mr. ROUTZOHN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an address I delivered at the McKinley Day banquet, Dayton, Ohio, on Monday evening of this week, January 30.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. ROUTZOHN]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes today at the conclusion of the special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

EXTENSION OF REMARKS

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech delivered by the Honorable LYLE H. BOREN, a Member of this body, in Washington.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

GRADING AND CLASSIFICATION OF CLERKS IN THE FOREIGN SERVICE
(H. DOC. NO. 146)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Congress of the United States of America:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State and the accompanying draft of proposed legislation to amend the act entitled "An act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor," approved February 23, 1931.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, February 1, 1939.

SELECT COMMITTEE ON GOVERNMENT ORGANIZATION

Mr. SABATH. Mr. Speaker, I call up House Resolution 60 and ask its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 60

Resolved, That the Select Committee on Government Organization is authorized to continue its work begun under authority of House Resolution 60 of the Seventy-fifth Congress, as amended by House Resolution 106, Seventy-fifth Congress, and for such purposes said committee shall have the same power, authority, and jurisdiction as that conferred upon it by said House Resolution 60 and House Resolution 106 of the Seventy-fifth Congress: *Provided*, however, That any bills or resolutions reported by said committee shall have a privileged status and all points of order against said bills or resolutions shall be considered as waived.

With the following committee amendment:

Strike out the last two words in line 9, all of line 10 and the word "waived" in line 11 and insert the following: "It shall be

in order to consider any such bills or resolutions so reported without the intervention of any point of order as provided in clause 4 of rule XXI."

The SPEAKER. The gentleman from Illinois [Mr. SABATH] is recognized for 1 hour.

Mr. SABATH. Does the gentleman from Michigan [Mr. MAPES] desire any time?

Mr. MAPES. Yes.

Mr. SABATH. I yield the gentleman from Michigan [Mr. MAPES] 30 minutes.

Mr. Speaker, this resolution re-creates a committee that was created in the Seventy-fifth Congress. I feel that there is no opposition to the resolution. It gives the Speaker the privilege of reappointing this committee to continue its efforts on behalf of legislation having to do with the reorganization of the various bureaus and departments in order to bring about economy and efficiency in the Government. I am informed that one or two objections to the bill that came up for consideration during the last Congress have been eliminated and that the recommendations that this committee will make will meet with the general approval of the House.

Mr. WADSWORTH. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Are we to assume from the gentleman's observation that the committee, before its appointment, has agreed upon a measure to be reported to the House?

Mr. SABATH. I may say to the gentleman that I have been informed by the gentlemen who have been examining and investigating this problem that they feel they have perfected a bill by which they have succeeded in eliminating objectionable features that appeared in the bill reported during the last Congress.

Mr. WADSWORTH. Has the bill been introduced?

Mr. SABATH. I do not know whether the bill has been introduced or not, but these gentlemen have worked diligently upon a bill and upon the legislation. This bill, as I understand it, was not prepared or written by anyone but members of the House committee; so the objections that have heretofore been made that the legislation has been prepared somewhere else and just given to the Members of the House to introduce are not true.

Mr. WADSWORTH. Will the gentleman yield further?

Mr. SABATH. I yield to the gentleman from New York.

Mr. WADSWORTH. Perhaps the gentleman is not authorized to make the statement, and if the question is unfair I shall not, of course, press it. Does the gentleman understand that the committee is to be appointed *de novo*?

Mr. SABATH. I am not in position to state, but I believe it would be a prudent thing to reappoint most of the members of this committee, who have given a great deal of thought and study to the problem. I presume the gentleman from New York, if he had the power to appoint a committee, would appoint efficient, experienced Members who have given a great deal of time and thought to the problem.

Mr. WADSWORTH. Does not the gentleman believe, if this committee is to be appointed, and I presume it would include most of the old membership, that the committee should commence *de novo* and allow hearings?

Mr. SABATH. I presume the committee will comply with any reasonable request. So far we have not heard any complaints against the committee refusing to hear any Members or anyone on the subject. That is my understanding.

Mr. WADSWORTH. There were no public hearings last year at all. The proceedings were held behind closed doors and not even the Membership of this House knew what was going on.

Mr. SABATH. Then I stand corrected if such is the case.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from New York.

Mr. TABER. Before the bill was brought in I made a motion in the committee that hearings be held openly on

the bill and that it be considered before the committee. There were not even any hearings before the committee.

Mr. SABATH. I may say to the gentleman that I myself have always believed that committees should give a fair hearing to any Member or anyone else who has anything of value to present. However, I believe to hold hearings merely for the purpose of delaying important legislation is manifestly unfair.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. The gentleman says they have already framed a bill which will be reported. Does the gentleman mean this committee is not going to study the problem at all?

Mr. SABATH. No, I did not say "framed." I did not use that word. I say they have been working on the question.

Mr. MARTIN of Massachusetts. Who is "they"?

Mr. SABATH. The members of the former committee, in whom I know the gentleman from Massachusetts has implicit confidence.

Mr. MARTIN of Massachusetts. Have the minority members of the committee been working with them?

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Georgia.

Mr. COX. If I correctly understand the position of the gentleman, it is that he has confidence that in the event this resolution is adopted the Speaker in the selection of this committee will appoint men of discretion and good judgment, and that the committee will go about the study of the question in such a manner as the committee believes will elicit the necessary information and will report to the House a bill it believes expressive of the interests of the country and the will of the House.

The gentleman has referred to a committee. As I understand the position of the gentleman, it is that the gentleman has the impression that there are Members of the House who have been giving a great deal of study to this question and have formed pretty definite ideas as to what the bill should contain, and that the bill which will be reported, if a bill is reported covering such new proposal as may grow out of the study that has been conducted and, of course, the study that will be conducted, whether or not it be de novo—and the gentleman, of course, is willing to leave that to the discretion and the good judgment of the committee that is set up—will not include provisions which the other bill carried and out of which grew a good deal of controversy in the House.

As I understand, the gentleman further has the impression that there will be no effort at piecemeal legislation, and that if any reorganization bill be considered it will be one bill reported by a committee the Speaker will appoint if the pending resolution is adopted.

Am I correctly interpreting the views of the gentleman?

Mr. SABATH. The gentleman is correct. I have confidence that the Speaker will make the proper selections in appointing the members of the committee. I do not know if it is the intent of the committee to bring in one bill or two or three bills. The committee, naturally, will use its judgment on that question.

Mr. COX. Of course, the committee that is set up must be given some latitude; the gentleman recognizes that.

Mr. SABATH. Why, of course.

Mr. COX. The gentleman does not know, of course, whom the Speaker will appoint, but the gentleman naturally has the right to assume the Speaker will draw on the experience gained during the past session.

Mr. SABATH. The resolution reads as follows:

That the Select Committee on Government Organization is authorized to continue its work begun under authority of House Resolution 60 of the Seventy-fifth Congress.

Naturally, that would presuppose that the Speaker would appoint the former members of that committee, who have given splendid service.

Mr. Speaker, I reserve the balance of my time.

Mr. MAPES. Mr. Speaker, this resolution is proof of the saying that "hope springs eternal in the human breast." Ever since I have been in Congress there has been talk of the reorganization of the executive departments of the Government. Everyone admits they ought to be reorganized. The problem is to present a reorganization plan that will be acceptable.

As far as I am able to speak for the minority members of the Committee on Rules, they do not oppose this resolution, although there is one provision in it they would like to see changed. They feel there is work to be done by a committee such as this resolution proposes to continue in existence and they are hopeful this committee will be able to present to the House a reorganization bill that may be adopted. With that in view they favor the passage of this resolution.

Personally, I offered in the Committee on Rules an amendment to strike out the proviso which gives any legislation the committee may report a privileged status. I believe the committee should come before the Committee on Rules and ask for a rule to make in order the consideration of any bill the committee may report, the same as the standing committees of the House. However, the majority of the committee did not see fit to adopt that amendment.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I yield to my friend the gentleman from Georgia.

Mr. COX. I believe it fair to the gentleman that the fact be developed that out of the proposal the gentleman offered grew the amendment the committee adopted, which it is proposed to offer in the consideration of the resolution. The gentleman will also concede, I believe, that that amendment, if adopted, will produce much the same results as if the gentleman's original amendment had been accepted.

Mr. MAPES. I may say to the gentleman that if the proposed legislation reported by the committee is to be given a privileged status, I see no objection to the amendment made by the committee. In fact, I think it ought to be adopted. For the benefit of those who have not studied the rules, that amendment is to make it possible for the committee to report legislation transferring bureaus or agencies from one department to another, and continuing the appropriation that has been made for such bureaus in the new department.

Mr. COX. If the gentleman will yield further, I may say the gentleman appreciates the fact that if this study is to be conducted, and if this committee, if set up, is to report a bill, the right to do the things provided for by the amendment to which the gentleman has referred is absolutely necessary.

Mr. MAPES. Yes; I believe that is a fair statement. If the legislation is adopted, of course, some such provision as that ought to be carried in it. The point I am making is that the entire matter ought to come before the Committee on Rules and a rule should be secured before the matter is brought up on the floor after the committee makes its report. In fairness, too, I perhaps should say that the resolution creating the committee in the last Congress did contain a similar provision, giving any bill reported by the committee a privileged status.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I yield to the gentleman.

Mr. RICH. The committee in making its report will have the right to suggest changes in one department or another and it will also have the right to delegate such power to the President of the United States, will it not?

Mr. MAPES. Of course, that will be a matter that the House itself will have to pass upon and determine eventually. What the committee will report, of course, I have no way of telling.

Mr. RICH. And any report that is made by the committee delegating power necessarily will be acted upon by the House before it becomes law.

Mr. MAPES. It will have to come before the House and be considered and debated and passed upon in the same way as any other legislation.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. MAPES. Mr. Speaker, I only intended to take a couple of minutes and I do not want to take too much time, but I shall be pleased to yield to the gentleman from New York.

Mr. TABER. The trouble with the resolution, as I see it, is that clause 4 of rule XXI prohibits the bringing in of appropriations in any resolution or bill from any committee other than the Committee on Appropriations. It will be impossible under this resolution, if the amendment is adopted, for us to prevent this special committee bringing in new appropriations or anything else of that sort, and it will also be impossible for us to prevent the committee from giving power to the President to transfer appropriations for purposes other than those for which they were intended when the appropriations were made by the Congress. I think this is a very serious thing.

Mr. MAPES. I think, perhaps, Mr. Speaker, I should say that I have faith enough in my fellow men to think that the Committee on Reorganization will not attempt to bring in any new appropriations. My understanding is that the purpose of this provision is simply to make it possible for the committee to transfer agencies from one department to another and to continue the appropriation which has already been made, and not to attempt to suggest new appropriations.

Some of us have given thought and consideration to this matter of reorganization for a great many years, and, for one, I repeat what I said at the beginning, that I hope the committee this year will be able to bring in a report which will meet with the approval of a majority of the House.

I reserve the balance of my time, Mr. Speaker, and yield 10 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, the chairman of the Rules Committee [Mr. SABATH] in his statement just now to the House, said he did not think there was any necessity for holding extensive public hearings on a reorganization bill because this might delay the consideration of such an important measure.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. FISH. I certainly do yield to the gentleman.

Mr. SABATH. The chairman of the Rules Committee did not state any such thing. The chairman said he believes in granting fair hearings to all those who have anything of substance to present, but that he did not believe in holding hearings simply for the purpose of delaying legislation.

Mr. FISH. Is it not a fact that there were no public hearings in the last Congress on the reorganization bill? I understood the gentleman to say that public hearings might delay the consideration of this alleged vital and important measure.

I would like to point out to the House that by the adoption of the pending resolution that we will empower a select committee to consider the reorganization problem that has been before the Congress for 150 years. I cannot exactly understand how any public hearings will greatly delay the consideration of another reorganization bill.

Mr. SABATH. Does not the gentleman think that 150 years is time enough to consider the measure?

Mr. FISH. I am perfectly willing to wait another 150 years, and I think it may be advisable to wait longer than that if you have any idea of bringing into the House the same kind of reorganization bill that you did in the last Congress, which was an abomination of desolation and which was thrown out of the House by the vote of many Members on the majority side itself. I presume now, however, like the King of France, the Democratic majority will march up the hill on the reorganization bill and discard almost everything they had in the bill last year and march down again with a new measure. This is the reason, I assume, the minority is not opposing this resolution, although I believe they should oppose that part of the resolution which provides a privileged status.

I see no reason for this Select Committee on Government Organization having a privileged status. The only committees in the House that have such status are the Ways and Means and on general appropriations the Appropriations

Committee and the Committee on Accounts. As a general proposition there are very few precedents for giving any special or select committee a privileged status to bring in legislation. There is no opportunity, under the rules, for me to offer an amendment to strike out the last four lines of the pending resolution which would do away with this privileged status except to vote down the previous question. I submit that unless this committee agrees to have public hearings, it is an absurdity to give them a privileged status to bring in such legislation without public hearings and then present it to the House when the House itself would be utterly ignorant of what the bill was based on and would be unable to have the benefit of any public hearings on the bill.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. FISH. I have limited time, but I yield for a brief question.

Mr. COX. The gentleman referred to the statement of the chairman of the Committee on Rules, and the chairman of that committee undertook to correct what the gentleman from New York said. If I understand the position of the chairman of the Committee on Rules, if I understood what he said, it is that as far as he knows no cut-and-dried procedure will be laid out to be followed by any committee that will be set up. The gentleman speaks of a working committee. He says that whatever committee is set up ought to conduct public hearings. That committee does not now exist, and, of course, we have no way of foretelling who will be placed on that committee. Therefore we cannot well disclose what procedure they will follow.

Mr. FISH. I think the gentleman and myself are in accord, and I believe the chairman of the Committee on Rules is with us in that we want public hearings on the reorganization bill, but we want some assurance now that there will be public hearings.

Mr. COX. Is not the gentleman willing to rest upon his rights to prevail upon the committee which will be set up to have public hearings? The gentleman does not want the House now to seek to tie the hands of the committee or a committee that has not yet been brought into existence?

Mr. FISH. No; but I would like to have assurance from some member of that committee that there will be public hearings on this so-called important legislation.

This is a continuation of the old committee, as I understand it, or at least the same members will be on it.

Mr. COX. This will be a new committee, as I understand the resolution.

Mr. FISH. Mr. Speaker, in the few minutes that I have remaining I want to explain to the new Members of the House that the reorganization bill that came before the last Congress had many items in it that were never included in any reorganization bill before. The Republicans are not opposed to efficiency in Government, or to the reorganization of the different bureaus of the Government. Republican Presidents have made that recommendation in the past, in the interest of good government. We opposed the last bill because it included control of the Civil Service, the Comptroller General's Office, and welfare funds. Why are we pushing this legislation at the present time? We have been in session for 1 month, and the Congress has not done one thing to restore confidence and recovery or to put any of the 12,000,000 American people back to work.

Mr. WARREN. Mr. Speaker, will the gentleman yield?

Mr. FISH. I challenge anyone to show any demand for this legislation or who is asking for the legislation. Are the farm groups, is the American Federation of Labor, are the businessmen of the country asking for consideration of a new reorganization bill at this time? I do not believe any Republican on this side has had a single letter asking him to support the reorganization bill, and I doubt if any such demand has been received even by the Democrats.

Mr. WARREN. Mr. Speaker, will the gentleman yield?

Mr. FISH. For just a question.

Mr. WARREN. When the gentleman says that nothing has been done, I call attention to the fact that the Republican Party in this House has delayed the organization of the

House, and quite naturally so, because they did not have their committee assignments ready for election until just last week.

Mr. FISH. I do not think that is a fair or accurate statement.

I yield to the minority leader.

Mr. MARTIN of Massachusetts. I want to state that the Democrats had their committee assignments ready only 2 days previous to the announcement of our committee appointments.

Mr. FISH. I think that is an unquestioned fact.

Mr. COX. Mr. Speaker, entirely apart from the question of whether any particular groups about the country have been demanding legislation, is not the gentleman prepared to concede and does he not contend that there is need for reorganization?

Mr. FISH. I concede that, and I think the Republicans do. They are in favor of economy and efficiency in government; and if this committee brings in a proper bill, we will support it; but they have not done it in the past, and it is almost too much to hope they will do anything different in the future.

Mr. COX. Then the gentleman concedes that there is need for legislation along this line?

Mr. FISH. For proper legislation, yes; but if this new reorganization bill gives more power to the President, I shall oppose it. I think the time has come to take back some of the powers that we have already given to the President, and restore representative government in the United States. [Applause on the Republican side.]

Mr. COX. The gentleman of course concedes that whatever committee is set up will perform as the servants of the House, and without regard to any report they may make, it will be in the determination of the House as to what should be done.

Mr. FISH. I say to the gentleman that I can only judge what will happen from what has happened in the past, and we know what happened to the chairman of the Committee on Rules [Mr. O'Connor] in the last Congress, who opposed the reorganization bill. He was "purged" by his own party leader. I have little faith in any reorganization bill that emanates from the present administration. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SABATH. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. WARREN].

Mr. WARREN. Mr. Speaker, the only thing the gentleman from New York [Mr. FISH] failed to tell the House and what he always says is that he comes from the home district of the President of the United States, upon whom he has been venting his wrath and spleen for the last 6 years, in and out of this body.

The gentleman from New York [Mr. FISH] raised no question 2 years ago about the setting up of this committee or its privileged status. This committee was created by the unanimous vote of the House 2 years ago, with very little debate and with no roll call. It is now a late day for even our friend, the gentleman from Michigan [Mr. MAPES] to come in and say that this committee should have no privileged status, because without that privileged status there is no use of even setting it up.

The gentleman from Michigan [Mr. MAPES] and the gentleman from New York [Mr. WADSWORTH], are the two best exhibits we have in the House as to why this committee should be vested with a privileged status. Back in 1920, under the administration of Woodrow Wilson, with the Republican Party in control of both branches of the Government, a reorganization committee was set up. It was an able and distinguished committee. Serving on that committee was the gentleman from Michigan, Mr. Mapes, the former Representative from Pennsylvania, Dr. Temple; and the former Representative from Virginia, Hon. R. Walton Moore. Serving on the Senate committee were Senator Smoot; Senator Wadsworth, of New York; and Senator Harrison of Mississippi. During three Congresses that committee met, trying to formulate legislation, and in the Sixty-eighth Congress the gentleman from Michigan [Mr.

MAPES] brought into this House a well considered and a well prepared bill, meeting the situation as it existed at that time. What then confronted him? He found that through some oversight that committee had not been given a privileged status, and their labors were all in vain, and they never could get it to the floor of the House.

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. WARREN. Certainly.

Mr. MAPES. Just to keep the record straight, the report came up in a short session of the Congress. It was the joint action of the House and Senate. The Senate members of the joint committee attempted to bring the bill up in the Senate and were defeated in that attempt. The House organization, including at that time Speaker Gillette and Majority Leader Longworth, had consented to have the matter brought up in the House until that action in the Senate; but after the action in the Senate, of course, it would have been futile in the short session to have brought it up in the House.

Mr. WARREN. The fact is that the bill was never considered in the House of Representatives.

Now, answering the gentleman from New York [Mr. TABER], about the amendment to this resolution waiving a point of order, in the act of 1932, in which the Congress gave the then President Hoover the right to reorganize the Government, the most far-reaching act of this kind ever delegated to any President of the United States, an act that gave Mr. Hoover the right to absolutely destroy and change and wipe out and turn into a mere shell not only bureaus but independent departments, departments headed by a Cabinet officer, all of which the gentleman from New York [Mr. TABER] voted for, there was contained a provision that the President, in shifting those bureaus and agencies, should have the right to also shift the personnel and to transfer the unexpended balances of appropriations heretofore made. That is the only reason in the world why the amendment is offered to waive a point of order—not to appropriate money, but in case a consolidation or reorganization is made among several bureaus, to merely transfer the funds that have already been appropriated by the Congress, in order not to keep a new bureau suspended in the air and without operation.

I here and now assure the gentleman from New York that that is the sole and only purpose of this amendment.

Now, in answer to some questions which the gentleman from New York [Mr. WADSWORTH] asked the gentleman from Illinois [Mr. SABATH], it is probably out of place at this time for me to say this: In the first place, it is with some diffidence that I discuss this matter, because I happen to be on the committee; and if I had my own likes to satisfy, I assure the House I would like to get off of it today. It is nothing in the world but a headache and much work for me. Acting solely on my own initiative, for the last month I have been preparing a bill. I have now finished the drafting of that bill. After the gentleman from Missouri, the distinguished chairman of this committee [Mr. COCHRAN], sees that measure, if he approves it, certainly he is entitled to introduce it, because I have no pride of authorship whatever. The gentleman from Missouri [Mr. COCHRAN] knows more about the inner workings of the departments of the Government than any other man in either branch of the Congress.

I believe that the bill which I have prepared will be a common meeting ground for Members on both sides of the aisle to approach this problem. I realize that when we had this fierce debate last year, men honestly differed about some of the things contained in the measure, although I must call attention to the fact that on August 17, 1937, the House of Representatives, by a vote of 283 to 75, passed the major part of this program, amounting to approximately 80 percent of it, by a nonpartisan vote. The distinguished gentleman from Michigan [Mr. MAPES] voted for it. The gentleman from New York [Mr. COLE] voted for it. So did Messrs. ANDREWS, BURDICK, CASE, ENGLEBRIGHT, HALLECK, REECE of Tennessee, STEFAN, and the gentleman from New Jersey [Mr. WOLVERTON].

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. WARREN. Certainly I yield, and am very glad to acknowledge the splendid speech made at that time by the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. To keep the record straight again, the bill, of course, as it passed the House did not contain the provision abolishing the Civil Service Commission or the General Accounting Office.

Mr. WARREN. I made that clear. The gentleman is entirely correct. If the gentleman will have just a little patience I believe that after this committee is reconstituted—and I honestly believe it—we can bring in here a measure that will meet the accord of the majority of the Members of the House. I, therefore, hope, Mr. Speaker, that when the previous question is moved on this resolution we will vote for the previous question and the adoption of the resolution. [Applause.]

Mr. MAPES. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, I have no objection to the re-creation of the Committee on Government Organization. The thing to which I object in this resolution is that it carries a provision, in an amendment the committee has reported, that it shall be in order to consider any such bills or resolutions so reported without the intervention of any point of order as provided in clause 4 of rule XXI. Clause 4 of rule XXI prohibits any bill or joint resolution carrying appropriations coming from any committee not having jurisdiction to report appropriations. This provision would give this committee power to set up new organizations and provide appropriations for them without consideration by the Committee on Appropriations. It would give it authority to delegate to the President power to transfer those appropriations.

In my opinion, if we are going to pass any reorganization bill it should, in the first place, provide for the reorganization directly. In the second place, I believe that no bill should authorize the President to transfer appropriations. If the House should see fit—and I think they will not—to give the President power to perform reorganizations, the power to appropriate for the new set-up should be given to the deficiency committee of the Appropriations Committee. The Congress has never failed to provide funds for any organization needing them and it would not in this instance. There would be a check and an opportunity for the new organization set-up to justify what it needed. Instead of having the funds provided by an Executive order it is my thought that the Congress should preserve its control over the money. The only way it can do this is to vote down the previous question and refuse to adopt such an amendment as the committee has brought in, the amendment waiving points of order under clause 4 of rule XXI on resolutions brought in by this reorganization committee. I hope the previous question will be voted down so that the amendment may be considered by the House and then I shall ask that this be done when we reach the appropriate stage in consideration of the resolution.

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, the gentleman from New York [Mr. FISH] referred to the reorganization bill, killed in the last Congress, as an abomination of legislation. The day after the defeat of that bill I procured a copy of the New York Times, reputed to be the greatest newspaper in the world and certainly not a New Deal organ, to see what it had to say about the action of the House.

The New York Times said editorially that the reorganization bill was a good bill, but it had been defeated because Congress did not feel like turning over such powers to a "dictator." I am not able to add that up. At any rate, it praised the bill.

So far as the committee that handled that bill is concerned I may say that the bill was most ably presented and defended. In 10 years in Congress I have never seen a bill more ably managed. Read the debates on that bill in the last Congress. The bill was handled by the gentleman

from North Carolina [Mr. WARREN], the gentleman from Kentucky [Mr. VINSON], and the gentleman from Missouri [Mr. COCHRAN]. Read those debates and you will agree with me that it was defended, explained, and justified in masterly fashion. Every attack on it failed.

After the action of the House on that occasion, senselessly stampeded into killing a good bill framed by its own Members, I said that if I were President of the United States I would throw the reorganization of the Government into the lap of the Congress and then I would just come up here, get a ringside seat, and laugh myself to death. [Laughter.]

Mr. MAPES. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Speaker, this is a delicate subject for me to talk about, inasmuch as I was a member of the committee. What was the procedure? Secret sessions for months, the public not allowed to know of the extraordinary demands made. In the minds of the public there arose a great fear lest extraordinary powers be granted the President in view of most extraordinary demands immediately preceding. The thought of granting those powers to the Executive caused the Nation to make such expostulations that even with a minority of only 80 on the Republican side, aided by the conscience of the majority, the bill was defeated.

The new Members will be told that we gave similar extraordinary powers to Mr. Hoover. We did give him extraordinary powers of recommendation only. I suggest that you read the recommendations he made in December 1932. Certainly none of his recommendations were extraordinary, but the Democrats were in the majority. They had the power to set aside anything Mr. Hoover might recommend; and they quickly, without much apparent consideration, threw all his recommendations aside, notwithstanding they were carefully thought out and reasonable recommendations.

The thought I want to express is that last year this was a joint committee, and another branch had equal authority. Members of the majority in the House have taken the floor this morning to say that they have thought out a measure that will probably be satisfactory, but I ask: How about the measures being thought out by Members of another body, measures which are promised will have in them some measure of economy?

May I say to the new Members that there were 18 on this committee, and there were only 4 of the minority selected. Yet when it came up in that spectacular debate last year the cry of the leaders on the other side was, "Look out for the Republicans; they will get you if you don't look out." Now we have 160 Members on this side, and I think we can be more persuasive than before. But I for one hope that no matter what recommendation comes from the President, it will be brought here for our acceptance before he can proceed to make changes. Transferring particular departments of the Government and at the same time changing their names enables the President to get rid of those whom he does not like. The heads would roll. I have seen such reorganizations in my own State.

There are many features of the bill that were presented last year that will probably not again be presented. I imagine we will have a mild, noncontroversial bill presented to the House. But what will come from another body and later acted upon in conference we do not know. I hope that we may have public hearings, that all may understand the changes contemplated. If I happen to be appointed to that committee, I do not wish my tongue to be tied so that my public could not know fully the powers granted to the Executive.

Mr. COX. The gentleman is not protesting the adoption of the pending resolution, is he?

Mr. GIFFORD. Oh, no; simply an expression of doubt.

[Here the gavel fell.]

Mr. MAPES. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, may I address myself particularly to my colleagues on this side of the aisle who were not in this body in January 1937, when the President, on the

12th day of that month, sent us a message dealing with reorganization? That is a little more than 2 years ago. Two days later, on January 14, 1937, there came before this body for consideration Resolution No. 60, and I think we went along pretty well and in good faith on all this without scarcely anticipating what was going to happen.

After the appointment of that committee and sessions behind closed doors they came in with the celebrated reorganization bill. There was a great deal of language contained therein about transferring and retransferring functions and agencies, about grouping and regrouping functions, about abolishing agencies, with some exceptions; and when the bill came upon the floor for consideration, that is when the fight began. Our colleagues over on this side were instrumental in large part in finally putting an end to that which appealed to the country as a whole as a kind of abomination. You can then understand the skittishness that now prevails. You can understand the certain sense of delicacy that persists in this House today. It is because we had our fingers burned once before. That is the answer to the gentleman from North Carolina.

I suppose it will be all right to go along with the present Resolution No. 60, but do not forget it is a continuation of Resolution No. 60 of January 14, 1937, which considered all matters embraced in the message of the President of the United States on reorganization. It may be an innocuous bill, but mark well the observation made by the gentleman from Massachusetts, when the bill goes over to the other side of the Capitol and falls into the hands of the Senate: What will the Members of that body do? What will the conference report be like when it comes back to this body? Suppose it comes back in the last hectic days of the session, when we are here until late at night and there is so little deliberation on vital and important matters. That is the reason we are skittish today and that is why I favor, as does the gentleman from New York [Mr. TABER], the elimination from this bill of language which provides for the transfer of appropriations.

It is our last crack at this thing if they do not do a good job and it is engrossed upon the law books. Let us not barter away that little power. Let us vote down the previous question and see whether it cannot be amended so that we may still hold on to the money bags and have a fighting chance for our "white alley" when the time comes.

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, I cannot see the wisdom of discussing what a committee which has not even been created is going to do. The committee is not at the present time in existence. This resolution provides for re-creating the select committee.

I want to use my time to answer a few statements that have been made. First, may I say to the gentleman from New York [Mr. TABER] and the gentleman from Illinois [Mr. DIRKSEN] that this committee is not going to appropriate any money nor can it under the language referred to by them. There is no authority there to appropriate money. It simply provides that when the President takes one bureau and transfers it to, or consolidates it with another, along with that bureau goes the money that the Appropriations Committee has already provided for the fiscal year. That is all it means. Unless the money also is transferred the agency could not function.

Mr. TABER. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from New York [Mr. TABER].

Mr. TABER. This rule would permit original appropriations to be brought in by that committee.

Mr. COCHRAN. Nothing of the kind. It only provides for the transfer to go along with the agency when it is consolidated with another agency of the money that the gentleman's committee has already given the bureau for the fiscal year. I know I am correct in that. I agree with the gentleman from North Carolina [Mr. WARREN].

Mr. WARREN. The sole purpose that we have that provision in there as an amendment to the rule is to include in any future reorganization bill section 404 of the act of 1932, the same reorganization powers given to Mr. Hoover. That is the sole and only purpose, as far as I know, of the amendment being offered to this resolution.

Mr. COCHRAN. The gentleman from Massachusetts [Mr. GIFFORD] spoke about the recommendations of Mr. Hoover. I voted to give your President, Mr. Hoover, who was also my President, although not of my political party, the power to reorganize this Government. More power than was ever given to a President before or since. But when did he make this recommendation? After he was repudiated by the American people. Following the election in 1932, he sent during the short session of Congress his recommendation, and I ask you to read it. On both sides of the aisle there was a demand that the committee bring in a resolution immediately that would prevent the recommendation's going through. We held hearings—copies of the hearings are in my committee room—and I called before the committee Colonel Roop, who was Mr. Hoover's Director of the Budget. What did he say? He recommended to the committee—and it is in black and white in the hearings—that it was his opinion that Congress should not permit the Executive orders to go into force, and that President Roosevelt, who had just been elected, should be allowed to do the reorganizing. Why, Mr. Hoover even recommended taking the rivers and harbors work away from the Army engineers. That was condemned in every section of the country and by 9 out of every 10 Members of this body. Under the power we gave Mr. Hoover he could abolish not only bureaus but departments, and he likewise had the power the gentleman from New York [Mr. TABER] now complains of to transfer moneys already appropriated. You did not complain when we gave such powers to Mr. Hoover.

Now, in reference to holding hearings on the bills we considered in the last Congress. The joint committee held hearings and then the Senate committee held hearings. I believe we sat in the joint committee hearings for about 3 weeks. We went over to the Senate Office Building every morning. If you will take the time to read those hearings, you will find that Mr. TABER and Mr. GIFFORD participated and asked hundreds of questions. I never heard of any requests from the gentleman from Michigan [Mr. MAPES] or the gentleman from New York [Mr. WADSWORTH] to be heard by the committee. The only two men who spoke of public hearings were the gentleman from New York [Mr. TABER] and the gentleman from Massachusetts [Mr. GIFFORD], who were members of the select committee. The gentleman from New York [Mr. WADSWORTH] and the gentleman from Michigan [Mr. MAPES] know that there is in the public library a book of some 1,500 or more pages, which contains the record of the hearings held by their committee under the resolution to which the gentleman from North Carolina [Mr. WARREN] called your attention. There are also in the library copies of other hearings that have been held from time to time by various committees of the Congress on the general subject of reorganizing this Government. Months were consumed in holding the hearings by the committee Mr. MAPES and Mr. WADSWORTH were members of.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from New York. Mr. WADSWORTH. Is the gentleman referring to the attempt to reorganize the executive departments made by a joint committee of the Congress back in 1924?

Mr. COCHRAN. I refer to the committee of which the gentleman from New York was a member when he was a Member of the United States Senate. I believe Senator Smoot was the chairman of that committee, if I am not mistaken.

Mr. WADSWORTH. The gentleman is correct.

Mr. COCHRAN. The gentleman from Michigan [Mr. MAPES] was also a member of that committee appointed by the Speaker. Your committee held hearings, and the book containing the record of those hearings contains over 1,500 pages.

Mr. WADSWORTH. If the gentleman will yield further, why could not the committee in the last Congress have held like hearings? We held open public hearings.

Mr. COCHRAN. We had the benefit of the hearings of the gentleman's committee. They were so lengthy and had taken up so much time that all we had to do was read them over. As a result, we knew what was in the minds of the people.

There has been more misleading statements circulated in this country in reference to the reorganization bills than has ever been circulated concerning any legislation that was ever presented to the Congress. One Member of this Congress went out to my own city in the fall of 1937 and made a speech to a large national organization of traffic men holding a convention, begging them to get busy on their Congressmen and not let the House of Representatives pass the reorganization bill, which he told them would give the President the power to destroy the Interstate Commerce Commission. I found his speech in the paper the next morning, relating how he had pleaded with them and urged the convention to adopt resolutions to the effect that they were not in favor of destroying the Interstate Commerce Commission and wanted it left alone. I secured the bill and quoted the specific provision in that bill that kept the President of the United States from touching the Interstate Commerce Commission, as well as other regulatory bodies. Then I got the *RECORD* and turned to the roll call on that bill in August 1937, and lo! and behold, I found the name of that Member of Congress shown as voting for the very bill he was asking those people to help defeat. He did not even know the bill had been passed and that it was in the Senate, and he was telling the people to have the House beat the bill, a bill he had voted for. This is a sample of the kind of bunk that was given to the people of this country.

When I went home last summer I discussed this matter with many, many people, and there was not one person with whom I discussed it that did not admit he did not know what was in the bill he was talking about when he sent a wire or wrote a letter seeking the defeat of the reorganization bill. I went before one organization that sent me a telegram signed by 200 members, and made a speech. They told me to select my own subject, and I talked about the reorganization bill because they had sent me the telegram. There was great confusion among the members of that organization in an attempt to find out who signed their names to that telegram. It developed the secretary signed their names to the telegram and sent it without their permission. [Applause.]

I answered every letter that came to me about the bill, and hundreds replied they had never written or wired me nor authorized anyone to sign their name to any protest. It was inspired, misleading propaganda.

There is one way to reorganize this Government and only one way. I say that because Congress will never do it. If it is to be done, power must be given to a President who will do it, and the time to do it is right now. Businessmen who complain about expenses of the Government, who demand that we simplify procedure, can come to the conclusion now they are going to continue to complain unless Congress gives the President the power to put his house in order. The Constitution and the Congress hold the President responsible for the conduct of the executive branch of the Government. Why, then, should we not give him a set-up that will enable him to efficiently and economically do his job. No greater blunder was ever committed by the Congress than the defeat of the reorganization bill last year.

President after President, Republicans and Democrats, for the last 40 years have urged a reorganization of the executive branch of the Government. It has been too long delayed.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to correct the typographical error in line 11 of the resolution, where the letter "n" has been omitted.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, in view of the fact I believe nearly all of us are in favor of the passage of the resolution,

I move the previous question on the resolution and the amendment.

The SPEAKER. The question is on ordering the previous question on the resolution and the amendment.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 153, noes 102.

So the previous question was ordered.

The committee amendment was agreed to.

The SPEAKER. The question is on the passage of the resolution as amended.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Under a special order of the House heretofore made, the gentleman from Georgia [Mr. PETERSON] is recognized for 20 minutes.

Mr. PETERSON of Georgia. Mr. Speaker, a few days ago I discussed on this floor provisions of the free homestead program as incorporated in H. R. 1675, introduced by myself at the beginning of this session of the Congress, an identical measure having also been presented in the other body of the Congress jointly by the two Senators from my State of Georgia. Since making those remarks, several of my colleagues have approached me expressing their interest in this legislation, several of them, much to my astonishment, suggesting that this proposal is somewhat un-American and contrary to the doctrines that have prevailed in this country for a long period of years.

Today I wish briefly to inform my colleagues more in detail as to the real provisions of this legislation and to recall to them that rather than being un-American the proposal which I have brought forward here is in strict harmony with the land policies and with the fundamental principles that have prevailed in this country from the time of its infancy.

I have here, and I ask, Mr. Speaker, permission to insert this document in the *RECORD*, figures presented to me by the General Land Office showing the total acreage of the public domain of this Nation that has been granted under the Free Homestead Acts, since their adoption, beginning in 1862, and showing the acreage for the respective States.

You will find there has been a total of over 500,000,000 acres of the public domain granted to private citizens for entry, free of debt, under that act.

In addition, I have investigated regarding the Thirteen Original Colonies and the great State of Texas, the domain of these respective governmental units never having come under the jurisdiction of the Federal Government.

There has been prepared data by our legislative reference bureau, giving a brief history of the public-land policies of each of these respective units. This data is too comprehensive to ask that it be placed in the *RECORD*, but it is here in my possession for your examination at any time, and you will find, as I have found, that in every State and colony of this Nation there has always prevailed a policy of free homesteads. Free land for free labor has always been a cardinal principle in every civil unit under our Federal Government, and a major portion of the land not only in these public-domain States, but in the colonies, was granted to the private citizens free of debt.

Mr. Speaker, we have been legislating here in an emergency manner, appropriating billions and billions of dollars to meet an emergency. Today, our rural population is in just as desperate a condition as it was when we began to make these appropriations.

It is unfortunate that the Federal Government failed, when it made the original free homestead provision, to throw a safeguard around the farmers of this country so that they could not mortgage or encumber their premises; so that those little, independent farm units occupied by free, liberty-loving American citizens, could be preserved; so that those families could continue to earn an honest living by the sweat of their brow in freedom and in independence. Having failed to throw these safeguards around these units, we find that the age-old practices of industry and of commerce and of finance have crept in and have

assaulted these free farm units until today they are overcome by mortgages and debts, with the result that over two-thirds of the farm population today are either tenants or else have such heavy mortgages over their homes that they are in many instances in worse condition than if they were tenants.

Now, Mr. Speaker, I again assert that it is absurd for us as Congressmen to hope to continue to preserve free institutions among a people who do not themselves enjoy their freedom. It is impossible to maintain free government among tenants and among serfs. If we will take a small portion of the money that we are throwing away, in many instances, in useless undertakings, and in other instances in experiments, which are doomed before they are initiated, and go back to the traditional American policy of purchasing farm units and making them again available for destitute farm families, and providing that these farm units cannot be mortgaged or encumbered, and then placing farm families on these farms, we will find that we have then initiated a program which will begin to lead us out of this chaotic condition and place us again in a position of independence and in a position where the people themselves will demand free government and where the people themselves will demand economical government.

A Member of Congress is inclined to vote, regardless of what party he belongs to, according to the wishes of the majority of his constituents. If a majority of those constituents have lost all their hope, if they have no hope of ever getting possession of a little plot of land for themselves as a home, if they have no hope of ever again being placed in the position of economic independence where they can have a home to call their own, then they do not care whether government remains democratic or not, they do not care whether you balance the Budget or not, whether you initiate soil conservation and various soil-benefit programs or not. It is to their benefit to get every dollar of the public funds that they can possibly get, or of funds from any other source, so they are prone to demand of their Representatives and Senators extravagant expenditures. On the other hand, Mr. Speaker, if this Congress will, rather than continue to spend forever and forever, going forward to a condition of complete chaos, if we will take a small portion of these funds and enact legislation that will gradually bring the people back to ownership of their own little farm units, we will find that we will have started in the right direction. Every time we place a farm family on a little piece of farm land and preserve and protect that homestead for that family against the encroachments of greed and avarice of the financial interests of the country, we will have made a good liberty-loving American citizen out of that man and his family. A free farm, owned and occupied by a free citizen and his family, is the ideal breeding place for the germ of human liberty. It is the cornerstone of free government, and we can orate all we please, and cry over the condition of the people of this country as much as we wish, but so long as we fail to return to the American doctrine of free land for free labor, providing for every human within the bounds of this country as he is born under the plan of the Divine Creator—as long as we fail to give him an opportunity to have a place in which to stand, a place in which to live, a place where he may earn his meat and bread on an equal basis with all other mankind—then so long will we fail to properly function as a legislative body representing a great free people. [Applause.]

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Georgia. Yes.

Mr. SMITH of Ohio. Does the gentleman's bill provide any safeguard for those farmers which will prevent the politician from taxing the farms away from them?

Mr. PETERSON of Georgia. Mr. Speaker, this bill does not provide any safeguard to keep the politician from taxing these farm units away from them, but the politician under our representative system of government is elected by the people, and when the people in the respective districts see

that it is to their benefit by ownership of their own homes to keep down taxes, then you will find the politicians advocating the reduction of taxes, and until that time does come, there is no advantage to a politician to advocate it, because the people themselves have lost their homes and holdings and are not primarily interested in reducing taxes. A majority of the farmers, who are the backbone of this Nation, are bankrupt today, and there is no hope on earth for them under any legislation so far enacted to regain their homes, to get out of this condition of bankruptcy.

Mr. HAWKS. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Georgia. Yes.

Mr. HAWKS. Will the gentleman agree then that during the past number of years under the Triple A, agriculture in this country has not progressed to the point where it should have progressed.

Mr. PETERSON of Georgia. I agree to that, and not only do I agree to that but I stated here a few days ago that this question was one of the crying issues in America and had been so from the time of the Louisiana Purchase until 1862, when we finally adopted the free homestead plan to protect the farmers, and your Republican Party grew into power because it had the foresight to adopt a program of this kind, as I read into the RECORD a few days ago; and so long as the Republican Party remained true to the farmers of the country it was in power, but when that party forgot the source of its greatness the people of America rose and trampled it under foot and today they have wrested that power from that party hoping that another party will bring to them again the relief they need. But, although both parties have voted for the emergency legislation, which has done great good, yet no party has yet initiated a national program which will again help solve the problems of the farmers of this country. Today I am pleading with all of you for the adoption of such a program.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Georgia. Yes.

Mr. RANDOLPH. The gentleman speaks about the A. A. A. As one Member on this side of the aisle I voted and worked against crop-control legislation. I ask the gentleman this question: What is the financial participation or obligation of the individual to be helped by the Government in placing that individual and a member of his family upon this land?

Mr. PETERSON of Georgia. In that respect I do not propose to change the law at all. I propose to again make operative the Homestead Act of 1862, which is still the law, and under which over 500,000,000 acres of land passed into private ownership and over 3,000,000 farm families secured free farm homesteads.

Mr. RANDOLPH. Then when the gentleman is attacked for bringing in an un-American program, it is just a continuation of the law which has been carried forward through the years?

Mr. PETERSON of Georgia. Absolutely; with this one additional provision, that should have been written into the original act, that these homestead units cannot become the subject of barter. They cannot be mortgaged or encumbered, but shall be kept inviolate, where farm families can live and earn for themselves the necessities of life.

I want to tell you another good feature about this.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Georgia. I yield.

Mr. AUGUST H. ANDRESEN. Would the gentleman include as a part of the free land all of the farms that have been foreclosed by the Federal land bank during the last 3 years?

Mr. PETERSON of Georgia. If the gentleman will read this bill, he will see that it provides that where foreclosures have been made since January 1, 1920, and the land is still in the hands of the mortgagee, it will come under the provisions, and the original mortgagor will be given a prior right to the homesteading of his original home.

Mr. AUGUST H. ANDRESEN. The gentleman knows that at the present time if a mortgagor loses his farm to the

Federal land bank, the Federal land bank will not sell it back to him unless he pays the full amount of the indebtedness, plus interest, taxes, and other costs, but that the Federal land bank will sell it to other outside parties for about half the price or whatever they can get for it.

Mr. PETERSON of Georgia. I appreciate the gentleman contributing that observation.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Georgia. I yield.

Mr. HOPE. I am in sympathy with the gentleman's viewpoint, but the gentleman talks about having a free farm citizenry who own their own homes, yet he takes away from them the right to dispose of that land. Has that not always been considered as an incident of property—that is, the right to sell?

Mr. PETERSON of Georgia. Particularly by the financial interests. If the gentleman will study the history of his own State, he will find that when a division was opened by the General Land Office for private entry, the first thing you had was the financial interests of Wall Street plunging in, attempting to mortgage and encumber and buy away from those farmers the farm homesteads. That is one of the fundamental principles of government, to protect citizens, to protect the weak, and provide opportunities for the weak to live in independence, equally with the strong.

It was never intended, under free government, for us to provide primarily for the strong financial interests of this country. Neither was it intended that we should destroy the strong financial interests, but the true principle of our free representative government is to let the strong grow as strong as they may, let the rich grow as rich as they please, but put safeguards there where never can the strong or rich oppress the weak and needy. The only foundation upon which you can build such a structure is keep land always open, so that when a man loses his job in the city, when all his hope is gone in the various industrial pursuits and in the various professional pursuits, when, as we know, he has still got to eat and he has still got to stand on earth if he lives, when those conditions come about there is always a city of refuge, a gateway for him to flee from the oppressions of the mighty and the rich. The only gateway, the only city of refuge you can properly provide for him is a little plot of soil, where he can carry his family and live in freedom and independence. That piece of soil should not be a question of barter and trade.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Georgia. I yield.

Mr. HOPE. That, in effect, is treating the farmer as an incompetent, is it not? We do not put those restrictions upon any other group in this country except the Indians, as a group, or those who have been adjudged to be incompetent. Is it the gentleman's opinion that those who take up these homesteads should be treated as incompetents? I am not asking that facetiously. I am asking that in all sincerity.

Mr. PETERSON of Georgia. No, sir. I do not propose that they should be treated as incompetents, but the gentleman knows that from the dawn of time the fight has always been the strong against the weak. Our system of government was set up so as to safeguard the strong in their strength and at the same time protect the weak in their weakness. Now, our system of government does not provide that you should go out here and take a weak man and set him up and take away from the strong man and give of his resources to that weak man, but it does provide, as a land of opportunity, that you keep open always to that weak man the opportunity to earn an honest living in political equality and in economic equality with the strong and the rich.

The SPEAKER pro tempore (Mr. McGRANERY). The time of the gentleman from Georgia has expired.

Mr. PETERSON of Georgia. Mr. Speaker, I ask unanimous consent to proceed for 10 additional minutes.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. HOFFMAN] has a special order. If that is agreeable to him.

Mr. HOFFMAN. I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HAWKS. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Georgia. I yield.

Mr. HAWKS. I believe the gentleman knows I am very sympathetic to this matter.

Does not the gentleman agree with me that the bankers, the local bankers in our small communities—I am not talking about the international bankers or the big bankers, but about the conscientious, hard-working banker in the local community—does not the gentleman agree that during the past years this local, conscientious, hard-working banker has tried to work with the weak, has tried to provide them money, has tried to help them finance their farms?

Mr. PETERSON of Georgia. They have done good work along that line.

Mr. HAWKS. I would like to have an appreciation of the local banker, the small-town banker really impressed on the minds of the Members.

Mr. PETERSON of Georgia. I am not meaning to condemn any institution, for I think we have all been caught in the jaws of a vice. I think nobody is particularly responsible. We have just had an economic system that has drifted along with the financial institutions trying to get all the collateral they could, all the holdings they could until they have driven the producer of the raw products, the man who is the foundation of our whole economic structure, the farmer, to a condition of serfdom where he has lost his farm home, where he has lost his means of livelihood, where he has lost nearly everything that he must have in order to earn bread and butter so that he can live and his family may eat.

I am simply proposing, sirs, that we again open up the land to the average citizen of America. I am not asking that you give him one penny. I am not asking that you put one citizen on the dole. I am asking that we again provide an opportunity for that citizen himself to procure the necessities of life. If the gentleman does not like the provision of my bill prohibiting mortgages or encumbrances of the land, if the gentleman is really interested in helping to reestablish the independent homestead units of this country, I would be delighted to work with him. I will welcome any cooperation in behalf of this principle.

Mr. HOPE. I may say to the gentleman that I am not sure I disagree with him, but I did want to get his viewpoint. I would like to ask the gentleman another question if he would be kind enough to yield. I do not want to take too much of his time.

Mr. PETERSON of Georgia. I yield.

Mr. HOPE. It has been true in the past, has it not, that ownership of land and the ability to mortgage it has in many instances furnished farmers with a source of credit they would not otherwise have had, and that in many, many instances the debt has been paid off?

Mr. PETERSON of Georgia. In very few instances, comparatively, have the mortgages been repaid, and I doubt the wisdom of the vast majority of the mortgages. It is true that banks in many instances have made loans with farms as collateral; however, farm land is considered a frozen asset, and it is not good business for any bank to use farm land as collateral, because the money is then tied up indefinitely. With the production credit associations and the emergency crop and feed loan organizations, and other lending agencies, we find that the average farmer has all the help he could possibly hope for or need under normal conditions without a farm mortgage.

Mr. HAWKS. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Georgia. I yield.

Mr. HAWKS. Is it not a fact that the subsidies of the Government during the last 4 years of the New Deal have just about destroyed the credit of the small farmer of this country?

Mr. PETERSON of Georgia. I would not care to argue that point. I am inclined to think that a great deal of good has come to the farmers out of the expenditure of these funds, but it has not yet touched the basic spot; it has not yet

offered a program that is going to help little old John Jones back in Montgomery County, Ga., to get on his feet to the point where he and his family can live without calling upon the Government for financial aid or for meat and bread. This is what we need to do. This could be done not only for John Jones in Montgomery County, Ga., in my First District, but for people in every other district of this country.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield? Mr. PETERSON of Georgia. I yield.

Mr. HOFFMAN. If I understood the gentleman correctly, he proposes to let these men have this land. Does the gentleman intend also to start them farming by way of providing tools and equipment?

Mr. PETERSON of Georgia. My proposition goes back to the old original homestead law under which the gentleman's State was developed. Was it provided then?

Mr. HOFFMAN. Never mind about that; I am asking about present conditions.

Mr. PETERSON of Georgia. Was it provided in those days? It is the same law that I want to put into operation again.

Mr. HOFFMAN. I understand that the gentleman is going to give me land because I cannot make a living today, and have no money. Is he as well as buying the land going to equip me with tools that I may make a living from the land?

Mr. PETERSON of Georgia. The gentleman can introduce a bill to that effect, if he wishes.

Mr. HOFFMAN. Is that the gentleman's purpose?

Mr. PETERSON of Georgia. It is not my intention now to debate that feature. My plan would operate under the homestead act that is the same today as it has been since it was enacted. I am just proposing that we make land available to the people under the provisions of the homestead act that has proven so successful for three-quarters of a century.

As to the cost of the proposition that is nothing new, for in numerous instances this Nation has bought land and given it to farm families free of debt. In 1803 we bought over 500,000,000 acres of land from France.

We took this land and divided it into homesteads.

We bought land from Spain in 1819. We bought land from Russia in 1867. We bought land from Texas. We bought land from Mexico. We bought land from numerous sources and opened that land up for free entry not only to American citizens but to citizens throughout the world. From 1862 to 1885, under the Homestead Act of 1862, history records that one of the greatest migrations of mankind in the history of the world took place. During that time distressed families from Europe sought refuge in the free domain of America, and it was from the settlement made by those Europeans that sprung many of your great districts. Many of you gentlemen sitting here are descendants of some of those homesteaders. You know the benefits of a free-land policy. Yet why do you gentlemen sit silently in your seats when the benefits of a free homestead policy are rapidly vanishing? When those benefits vanish all free government will vanish. Why do you sit here in your seats and fail to raise your voice to amend the free-homestead acts that brought about the greatness of your districts so that like benefits may be worked out for your descendants?

Mr. Speaker, as I stated, we bought these lands from foreign countries and gave them to farm families. Can there be anything wrong in again buying land and again giving it to farm families? I am simply proposing today to help the farmer. He is in a hopeless plight insofar as land and the farms are concerned. The little banks are in a hopeless plight. The Government itself and the lending agencies, all of us, have got caught in a jam. The lending agencies do not want the land. They want the people put back to where they can be prosperous and where they can do business.

The Government does not want the land, neither do the various agencies that have taken it over; yet the people cannot live on this land under present conditions, and they are unable to purchase it back.

Is it not the duty of the Congress, when everybody is in a jam, to do something to relieve the situation instead of refusing to see the situation as it is? We are day after day voting away billions and billions of the resources of this country, driving ourselves deeper and deeper into bankruptcy. Is it not the part of common sense and wisdom to attempt to unravel these distressed conditions and help financial institutions get relieved of their burden and help the farmer get back into a position of economic independence and, as a matter of fact, help all of us where we can again regulate our own affairs in a normal way? It appears to me a most simple, fundamental American proposition to do that. I am proposing such a course in this measure.

Mr. STEFAN. Will the gentleman yield?

Mr. PETERSON of Georgia. I yield to the gentleman from Nebraska.

Mr. STEFAN. The gentleman has been fighting for this legislation for several years, and I have been very much interested in many of the arguments he has presented on the floor of the House. The trouble of the farmers in my State is not so much the acquiring of new land as to keep the land they already have. They are losing their land by the hundreds of thousands of acres.

Mr. PETERSON of Georgia. How are they going to keep it?

Mr. STEFAN. I would suggest the gentleman read the Frazier-Lemke refinancing bill.

Mr. PETERSON of Georgia. I am not objecting to the gentleman's proposal. In fact, I commend the gentleman from Nebraska and the other Members who are sponsoring this legislation, for the serious effort you are making to really help your farmers out of their present plight. I congratulate you for the time, thought, and study you are devoting to this vital problem.

[Here the gavel fell.]

Mr. PETERSON of Georgia. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include a document mentioned during my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. PETERSON]?

There was no objection.

The tabulation referred to follows:

Tabulation showing number and acreage embraced in allowed original homestead entries and final homestead entries (including commuted entries), by States, from the passage of the Homestead Act to June 30, 1936

HOMESTEAD ENTRIES

States	Original		Final	
	Number	Acres	Number	Acres
Alabama.....	76,764	7,924,032	44,965	4,901,878
Arizona.....	40,025	8,904,623	19,595	3,815,206
Arkansas.....	146,528	14,981,114	76,216	8,297,864
California.....	134,421	21,668,914	71,164	10,981,430
Colorado.....	206,869	42,188,985	111,725	22,462,510
Dakota Territory.....	116,870	18,072,796	60,672	9,539,454
Florida.....	55,654	6,366,409	31,275	3,702,707
Idaho.....	105,810	18,695,495	60,399	9,592,822
Illinois.....	95	7,392	76	5,865
Indiana.....	40	2,117	29	1,796
Iowa.....	14,607	1,408,137	8,947	910,002
Kansas.....	182,678	26,388,251	110,516	16,214,798
Louisiana.....	43,660	4,710,080	24,789	2,771,859
Michigan.....	40,828	4,720,371	21,971	2,570,574
Minnesota.....	154,224	18,903,068	92,353	11,388,012
Mississippi.....	46,178	4,617,547	25,482	2,785,560
Missouri.....	67,135	6,863,283	35,089	3,677,904
Montana.....	235,921	51,941,172	151,888	31,873,892
Nebraska.....	203,444	42,106,715	121,071	24,778,173
Nevada.....	8,576	1,979,818	4,173	667,694
New Mexico.....	170,039	40,288,417	84,891	18,125,118
North Dakota.....	183,421	27,274,464	134,062	19,896,006
Ohio.....	179	12,462	112	7,967
Oklahoma.....	190,439	27,976,480	111,347	16,589,467
Oregon.....	122,353	20,576,649	65,537	10,839,138
South Dakota.....	146,459	23,753,731	100,068	16,108,066
Utah.....	40,016	9,310,441	16,488	3,330,534
Washington.....	118,143	15,586,017	64,806	9,398,752
Wisconsin.....	59,503	5,240,009	31,610	3,350,945
Wyoming.....	119,256	34,128,247	64,658	16,800,958
General Land Office.....	1,947	140,520	1,716	149,493
Alaska Territory.....	1,855	269,402	1,209	129,510
Total.....	3,024,937	507,007,158	1,750,039	285,605,954

EXTENSION OF REMARKS

Mr. HOBBS asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. ALEXANDER. Mr. Speaker, I received this morning permission to extend my own remarks in the RECORD. At this time I ask unanimous consent to include in my extension of remarks certain tabulations concerning the increase in the importations of tapioca in this country and the effect that those importations have on various industries.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota [Mr. ALEXANDER]?

There was no objection.

Mr. COLE of Maryland. Mr. Speaker, on Monday last I obtained unanimous consent to extend my own remarks in the RECORD. I find the remarks will take two and a half pages of the RECORD. I renew my unanimous-consent request at this time, notwithstanding the fact these remarks will take two and a half pages of the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Under a special order heretofore entered, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 15 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein a letter received by me and the reply thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

THE WAGNER ACT DOES NOT PROTECT THE WORKER

Mr. HOFFMAN. Mr. Speaker, every one in the House who has given the matter any thought probably realizes that the question of amending the Wagner Act will be brought up during this session of the Congress. It is not my purpose to speak today at length on the law or any proposed amendments but to call the attention of the Members of the House to the fact that from time to time I shall put into the RECORD communications received from employees tending to show the criticism of the law as it exists and of the actions of the National Labor Relations Board as that Board has been functioning since 1935 when the law went into effect.

That the C. I. O., or at least some of those who assume to speak for it or to act in its behalf have assumed for some time that the Board was its ally in the C. I. O.'s warfare on other labor organizations and in its attempt to force employees into its organization is made evident by news items contained in the press of yesterday.

It appears from the Detroit papers that a complaint has been filed with the N. L. R. B. at Detroit, charging Homer Martin, president of the U. A. W. A., with unfair labor practices. The internal fights, jurisdictional, legal, and physical, which have taken place between those who are seeking to be acknowledged as representatives of the automobile workers reached a climax when the charges were filed against Martin.

It will be recalled that, not so long ago, Martin expelled four of the high officials of his organization, charging them with Communism and with seeking to disrupt the organization. Those expelled answered his charge with one of like nature and Martin finally was compelled by the C. I. O. to reinstate the officers he had removed. Still more recently, the battle was renewed.

The expelled but reinstated officers and some of their friends now charge Martin, who was attempting to unionize Ford workers, with aiding the Ford authorities in the establishment of a company controlled or dominated union.

The situation has become so chaotic that General Motors has been forced to refuse to bargain with either faction until it is definitely decided who actually represents the employees.

Here we have a concrete illustration of how the man who works, the employee, is being deprived of his right to

bargain collectively through representatives of his own choosing.

The stake, of course, is the huge fund that will be derived from the dues collected from the thousands of workers in the automobile industry.

Recently Martin charged those opposed to him with the responsibility for more than 1,000 wildcat strikes called in the General Motors plants since the bargaining contract was signed in February of 1937.

Martin's opponents charge him with excessive spending of union funds, as much as \$2,200 a month. He replied by saying that he spent as much as \$2,800 in some months but that it was for legitimate expenses. In return, he pointed to Addes, one of the officers formerly expelled but reinstated, and charged that his expense account was \$3,500 on one occasion. He further said that one of the vice presidents admitted under oath that he had spent \$198 for whisky in 1 day and that he had also spent \$800 that he could not account for.

Martin also charged that funds of the Plymouth local had been used to aid the Communist Party and that "\$2,495 went down in the stewards' jeans."

Speaking for the opposition, Thomas, a former confidant of Martin, alleged that Martin was a dictator, had suspended 15 of the officers of the organization; that in 1 week he spent \$45 for taxicabs and \$80 for meals and concluded:

All I can figure out is that he must have been eating his meals in the cabs to spend that much.

Out of the whole sorry mess it is evident that the workingman, his interests, his rights, are being forgotten in the struggle.

The whole situation is proof sufficient that the Wagner law is not serving the purpose for which it was enacted. This is but one illustration of the fact that the act as now written and administered is the cause of industrial conflict.

Prior to and upon the enactment of the Wagner law, many people assumed that its main purpose was to protect the individual worker, to secure to him the right to organize free from coercion and to give him collective bargaining.

Unfortunately, the act was so drawn as to vest almost unlimited authority in a labor board created by the act. That Board deprives the worker of the rights the act declared he should have.

It is quite true that section 7 explicitly declared:

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

In practice, however, employees have time and again been denied the right of self-organization, the right to form, join, or assist labor organizations of their choice and the right to bargain through representatives of their own choosing.

The Board has seen fit to assume the right, and this sometimes without public hearing and public report, to designate the bargaining agency.

Time and time again the Board has destroyed organizations of the workers and refused them recognition.

I will not at this time make any extended argument showing how the Board has deprived workers of the rights supposed to be guaranteed to them by section 7 of the act. That subject will be more fully discussed when the Wagner law comes up for amendment, a task which we might as well assume now as later.

The purpose today is to call attention to a few protests received from employees who thought that, under section 7 of the labor act, they had the right to form their own organization and to bargain with their employer. All these letters were addressed to me personally and came either from Crystal City or Festus, Mo., within the last 2 weeks. They are as follows:

[Western Union Telegram]

We protest the un-American decision of the N. L. R. B. in disregarding the wishes of the huge majority of the workers of Pittsburgh Plate Glass Co. works, No. 9, at Crystal City, Mo.
CRYSTAL CITY GLASS WORKERS UNION,
ALFONSE L. LAIBEN, President.

MY DEAR CONGRESSMAN: As an American citizen, I am taking this opportunity to ask you to do something about this un-American decision handed us—the workers of the Pittsburgh Plate Glass Co., of Crystal City, Mo. The employees have formed their own union, the Crystal City Glass Workers Union. We have a huge majority, and why must we be ruled by a minority? The decision was given us by the N. L. R. B., favoring the C. I. O.

You, as our Congressman, won't you endeavor to do something for us? Try to amend the Wagner Act and the N. L. R. B. We need your help.

Yours truly,

BEN W. HOFFMAN,
Crystal City, Mo.

DEAR SIR: In regard to the un-American decision handed down by the N. L. R. B., giving the C. I. O. bargaining rights at plant No. 9 of the Pittsburgh Plate Glass Co., at Crystal City, we of the independent union, having a large majority of membership, cannot and will not accept this communistic decision. Any support you can give us at this time will be greatly appreciated.

Respectfully,

BARNEY W. BERKEIGLER,
Member of the C. C. G. W. U. Union, Crystal City, Mo.

DEAR CONGRESSMAN: I resent an act which allows a few men like the N. L. R. B. to hand down a decision that they did the past week by ordering Pittsburgh Plate Glass works, No. 9, to recognize the C. I. O., whereby the majority should rule to be free Americanism. The independent union at time of hearing had more than 1,500 members, and now has reached about 1,700 of the 2,000 employees of works No. 9, at Crystal City, Mo., and I feel that you as one of the Representatives of the House, should do all in your power to stop such injustice against the voters. Thanking you for all you have done in the past and hope that you will continue in this matter as you have, and wishing for more "justice in the future," I am,

Sincerely,

Mr. JOHN V. DEGEARE,
Employees of Works No. 9, Crystal City, Mo.

DEAR SIR: A great injustice has been done to the people of our community. The Labor Board has given us a raw deal by giving the decision to the smallest majority of C. I. O. Our independent union, C. C. G. W. O., has 1,500 employees. The Labor Board law has to be changed. We are not going to stand for that kind of law. We expect to get some action out of this.

An employee.

JOSEPH WHISTLER,
Route 2, Festus, Mo.

DEAR SIR: We, the people of this community, have got an unjust decision from the Labor Board. The Labor Board has ordered the Pittsburgh Plate Glass Co., No. 9, here to recognize the C. I. O. Our independent union, C. C. G. W. U., has 1,500 members out of about 1,800 employees in this factory. Our community wants the right decision handed down to us. There is no right to that kind of Labor Board law. What do we vote for? Don't we live in United States of America? Please do something about this at court.

An employee.

GEORGE WHISTLER,
909 South Second Street, Festus, Mo.

DEAR CONGRESSMAN: I think the decision of the N. L. R. B. was unfair to the Pittsburgh Plate Glass Co. and the Crystal City Glass Workers Union at works No. 9, at Crystal City, Mo., and should be revised.

Yours truly,

LESTER A. GROBE.
Mrs. LESTER GROBE.
EDWARD G. GROBE.

MY DEAR CONGRESSMAN: Protest the unfair decision of the N. L. R. B. in regard the Crystal City Independent Glass Workers Union.

Sincerely,

JOHN L. SEIFERT,
R. R. No. 1, Festus, Mo.

DEAR SIR: You well know the dirty tactics of the few C. I. O. we have here at plant No. 9 at Crystal City and yet we still are signing new members in our independent union. Even with the communistic help of the N. L. R. B., they can't get any support here. We have an 80-percent majority and still holding it.

We need your support if you can help.

J. L. HOLLADAY,
Member, C. C. G. W. U.

MY DEAR CONGRESSMAN: Please accept my protest of the unfair decision of the N. L. R. B. last Saturday in Washington, D. C., against us at Crystal City, Mo., as one of 1,600 of the independent glass workers here. Will you vote for and support the bill pre-

sented by Hon. C. ARTHUR ANDERSON, M. C., or legislation similar to curb this unfair and un-American Board in their C. I. O. patronage.

(Signed) ANDREW L. GODAT,
Crystal City, Mo.

P. S.—You saw how they would not let you make your address in this city in November 1938.

DEAR SIR: I hereby voice my protest against a law that will permit a kangaroo court of a few men like the N. L. R. B. to hand down an unjust decision as the one they gave the workers at the Pittsburgh Plate Glass works, No. 9, at Crystal City, Mo., this past week. Although the Crystal City Glass Workers Union, an independent union, has over fifteen hundred paid-up members out of about two thousand people employed in the factory. This Labor Board says the factory must bargain with the C. I. O. We are legally organized and incorporated under the laws of the State of Missouri. We are in no ways dominated by the company, although we cannot get a hearing or a vote on bargaining rights. I feel that you, as our Representative, should try to do something about a law that does not heed the wishes of a majority. I have always felt that this was a free America and majority rules. Thanking you in advance for your kind consideration you may give this. An employee and member of Crystal City Glass Workers Union.

J. F. JOKUST.

MY DEAR CONGRESSMAN: As an employee of the Pittsburgh Plate Glass Co., of Crystal City, Mo., I wish to express my opinion to you of the unfair decision of the N. L. R. B. of Washington, D. C., January 14. With the hope that you may in some way be able to assist us in regaining our peace that has prevailed and we have realized and enjoyed throughout the years.

Thanking you for your interest and influence in this case, I am,

Sincerely,

P. F. MAGRE.

FEBRUARY 1, 1939.

Mr. ALPHONSE L. LAIBEN,
President, Crystal City Glass Workers' Union,
Crystal City, Mo.

DEAR MR. LAIBEN: Received your wire, reading:

"We protest the un-American decision of the N. L. R. B. in disregarding the wishes of the huge majority of the workers of Pittsburgh Plate Glass Co. works, No. 9, at Crystal City, Mo."

Replying, permit me to say:

If the N. L. R. B. proceeded under section 9 without a formal hearing at which your union had an opportunity to be heard and was represented, the Wagner law, even though your union represents an overwhelming majority of the workers, leaves you without remedy. You have no appeal to the court or to any other tribunal.

Under that section of the act you will note that the Board is given authority not only to designate the unit which the representatives shall represent in collective bargaining but in selecting that unit it may (section 9 (c)), either take a secret ballot of the employees or "utilize any other suitable method to ascertain such representatives."

Using this authority so unjustly conferred upon it, the Board has in other cases selected representatives which did not represent the majority of the employees in the unit.

A reading of the law will show you that it affords no protection to workers as against the Board or a rival union.

Republicans in the House will make an effort to so amend this act as to protect not only the employee but the employer, and to remove some of the causes for industrial warfare affecting interstate commerce.

There may be a possible way out of your difficulty by reorganizing your union, if the Board claims it is company dominated; making it a union of the employees, free from influence of any kind on the part of the employer and then, if the employer refuses to recognize your representatives, file charges against the employer with the Board.

There is at least one case where the employer and the Board have acted together to deprive employees of the right to bargain collectively through representatives of their own choosing. In that particular case, the employer was evidently forced into the agreement by the Board.

If that is the situation with you, by organizing your independent union and filing charges against the employer, you may be able to force a hearing, a final order, and then appeal to the United States Circuit Court of Appeals. It is a long, tough road, made doubly so by the attitude of the Board.

Regardless of the Board's attitude, much of the trouble will remain with us until the law is amended.

Sincerely yours,

CLARE E. HOFFMAN.

SWEETPOTATOES

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. DEROUEN. Mr. Speaker and Members of the House, it is my purpose to call your attention to the growing of sweetpotatoes. Perhaps it is strange that I call this to the attention of the House, but we find ourselves in the midst of confusion, with all sorts of regulations and controls, and we must direct our attention to the use of land for other purposes than the growing of our five major crops.

Looking over the agricultural statistics I find there are 20 States which are vitally interested in the raising and cultivation of sweetpotatoes. They are New Jersey, Indiana, Illinois, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, California, and a few other States. The three major sweetpotato-growing States are Louisiana, Virginia, and New Jersey, in the order named.

At the Louisiana State University we have been doing extensive research work in an attempt to control the many diseases and insects which are peculiar to sweetpotatoes. As you know, the sweetpotato is a tuber and is apt to contract rot from roots and infections in the ground. At this time we have produced by experiment a sweetpotato that will bloom as it has never done in this country—and will produce seed, and this is something new. We believe that by further research along the lines that we have been carrying on at the university we can furnish throughout the United States seed which can be controlled. Sweetpotatoes more or less have a tendency to acquire the diseases that are in the land, and by breeding we can treat the seed so the diseases will not be transferred to the new area or to the next potato that comes along. We also have in mind controlling the sizes, and we believe that through the experiments we are carrying on in Louisiana we can produce an attractive potato instead of irregular, small, or crooked potatoes.

I believe the sweetpotato industry should be delved into more thoroughly, so we may make use of some of the lands that are lying idle, and, for instance, because we may not be permitted to raise more of one crop or another, we should substitute in one crop what we lose in another.

The sweetpotato is the most important single food and feed crop in the South. It is outranked only by the Irish potato as a vegetable crop for the entire Nation. It has often been said that had it not been for the sweetpotato on many occasions a large portion of the population would have gone hungry. The sweetpotato has also aided greatly in supplying food for armies of the Revolution as well as for later conflicts.

As a food, it is a particularly balanced one. It contains practically all of the growth vitamins; it is reasonably high in proteins; and is particularly high in carbohydrates, such as dextrins and sucrose.

The sweetpotato was originally introduced from the more tropical areas of North America, probably from the West Indies, and when brought under conditions of continental North America it rarely, if ever, produced seed, and therefore it has been reproduced asexually from the time it was originally introduced. Any improvements in this crop have resulted from vegetative mutations, therefore systematic improvement has been slow.

Realizing the great importance of the sweetpotato crop, the Louisiana Agricultural Experiment Station has made every effort to improve it in Louisiana, and in the past 2 years methods have been worked out for inducing the sweetpotato to bloom and set seed under Louisiana conditions. The past season we have been able to grow around 1,500 seedlings, and for the coming year we will probably have around 4,000; whereas, in reality, under an expanded breeding program, we should have at least 15,000. Due to limited equipment and manpower, our program has been hampered materially.

Our purpose in breeding the sweetpotato are threefold:

First. To improve the nutritive value, market quality, and shape. This would include breeding for high sugar and vitamin content, and for a very uniform shape. Most of our varieties are very ill-shaped and the growers are able to market only about 50 to 60 percent of the crop.

Second. To breed varieties having a higher starch content than existing varieties. The importance of starch is increasing in Southern States. We are now importing over \$9,000,000 worth of cassava starch per year, used primarily in the South in the manufacture of paper and in the textile mills, which could be made from the sweetpotato. Incidentally, this cassava starch is coming in duty-free under the name of cassava flour. To produce higher yields of starch would require varieties bred for that purpose. Good starch varieties should yield from 20 to 30 percent starch. Table varieties usually run around 16 to 18 percent starch.

Third. To breed varieties resistant to diseases, such as the soil, stem, and black rots. These diseases are taking a heavy toll at the present time. The soil rot in particular is threatening the sweetpotato-producing areas of Louisiana, while the stem and black rots are more severe in other important sweetpotato regions of the country.

Systematic and rapid progress with the above three items can only be made through sexual breeding.

To indicate the great interest in the sweetpotato improvement program, delegates from practically every Southern State and representatives from States as far north as Delaware, Indiana, Iowa, and Kansas have made special trips to the Louisiana Agricultural Experiment Station to study the work under way there. They are anxious to see the work expanded so that they might take greater advantages of the work now under way.

We have here a challenge to American enterprise, and especially to the South, where the sweetpotato could be grown in unlimited quantities and of superior quality. The maximum capacity of the Southern States for sweetpotato production is not known. Sweetpotato growing has been more than a minor farm industry.

Never before has an appropriation been requested for this important crop. It has been estimated by the growers and horticulturists interested in the improvement of the crop that the expenditures necessary to take care of the need for improvement of this crop in the various States would require an annual appropriation of only \$80,000.

In closing, I wish to urge the Representatives of the various sweetpotato-producing States to join with me in appealing to the Appropriations Committee for the needed \$80,000 which is necessary to carry on the investigations and research now under way. This sum should be included as an item in the Department of Agriculture appropriations bill.

COMMITTEE ON RULES

Mr. SABATH. Mr. Speaker, the Committee on Rules may be able to conclude its hearings and file a report on the so-called Dies resolution by tomorrow, so I ask unanimous consent that the committee may have until midnight tomorrow to file that report.

Mr. MARCANTONIO. Reserving the right to object, I should like to ask the gentleman, why this rush? Why must the Committee on Rules rush its report on the Dies resolution? Why not give the Members of the House an opportunity at least to study the hearings of the Dies committee and study its report, so we can intelligently debate the question when it comes before the House.

Mr. SABATH. I may say for myself it is my aim to give each and every Member a reasonable amount of time to be heard. The Members of the Committee on Rules desire to get this matter out of the way, consequently they have asked me to make the request I have submitted. We are going to have a hearing on the resolution at 3 o'clock this afternoon and it will continue tomorrow morning, in the hope of completing the hearings and taking action on the resolution by tomorrow.

Mr. MARCANTONIO. I am not going to object because an objection to this request will only restrict further the time of the Members waiting to be heard before the Rules Committee; but I simply wish to state for the Record that this whole proceeding is being railroaded and rushed through without any justification.

Mr. HAWKS. What is? The resolution on the Dies committee?

Mr. MARCANTONIO. Correct.

Mr. HAWKS. Judging by the information I received from the gentleman's office this morning, I would not say they were railroadng anything. The gentleman sent me enough information to show me that he has analyzed the report perfectly.

Mr. MARCANTONIO. Yes, I have; but how about the other Members? How many members of the Committee on Rules have read the hearings of the Dies committee?

Mr. HAWKS. How can the gentleman speak for the rest of the membership?

Mr. MARCANTONIO. I am stating facts. I say we should have adequate time to study the three volumes of the hearings and the full report of that committee.

Mr. HAWKS. The gentleman has plenty of information, judging by what he sent to my office this morning.

Mr. MARCANTONIO. Certainly; that shows I have been working on it for weeks.

Mr. HAWKS. Is the gentleman intimating I have not analyzed the Dies committee report?

Mr. MARCANTONIO. I am not intimating. I am saying that in view of the fact there are three volumes of the hearings and a lengthy report there has not been sufficient time for the Members of the House to digest this information.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENSION OF REMARKS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to revise and extend in the RECORD the remarks I made this morning.

Mr. MAPES. Reserving the right to object, Mr. Speaker, and I, of course, do not expect to object, may I ask the chairman of the Committee on Rules if it is his intention to bring the Dies resolution up for consideration in the House on Friday?

Mr. SABATH. That is the desire of the majority of the committee. I felt we should take a little more time, but they desire early action. Consequently we are going to meet at 3 o'clock today and meet again tomorrow in order to give all the Members who so desire an opportunity to be heard.

Mr. MAPES. The gentleman has secured unanimous consent to file the report on that resolution any time tomorrow. If the committee acts and the report is filed tomorrow, is it the gentleman's intention to bring the resolution up for consideration on the floor of the House on Friday?

Mr. SABATH. Yes; provided such action meets with the approval of the Speaker and time is available.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MONKIEWICZ. Mr. Speaker, 2 days ago I obtained unanimous consent to extend my remarks in the RECORD and include therein the inaugural address of Governor Baldwin, of Connecticut. I have been informed by the Printer the address is a little too long to come within the rule and that I should get special permission for its insertion in the RECORD. I ask for that special permission at this time.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p. m.) the House adjourned until tomorrow, Thursday, February 2, 1939, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Thursday, February 2, 1939. Business to be considered: Continuation of hearing on

H. R. 2531—transportation bill. Mr. George M. Harrison, of the President's committee of six, will be the witness.

COMMITTEE ON NAVAL AFFAIRS

There will be a meeting of the Naval Affairs Committee of the House of Representatives on Thursday, February 2, 1939, at 10:30 a. m., for the purpose of continuing the consideration of H. R. 2880, "To authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes," carrying out partially the recommendations of the Hepburn report.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

There will be a meeting of the Committee on World War Veterans' Legislation at 10:30 a. m. Thursday, February 2, 1939.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Thursday, February 2, 1939, at 10:30 a. m., to hold hearings on the reports on Cape Fear River, N. C., and Tacoma Harbor, Wash.

COMMITTEE ON WAYS AND MEANS

Public hearings will begin Thursday, February 2, 1939, at 10 a. m., on social-security legislation in the Ways and Means Committee room in the New House Office Building, Washington, D. C.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will meet in the committee room in the Capitol at 10 a. m. Thursday, February 2, 1939, to consider House Joint Resolution 135—additional appropriation for New York World's Fair.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., at 10:30 a. m. Thursday, February 2, on the bill listed below:

H. R. 2382. Negotiation instead of competitive bidding for charter of certain lines.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., at 10:30 a. m. Tuesday, February 7, 1939, on the bills listed below:

H. R. 785. Draft Convention No. 53, officers' competency (Bland); H. R. 947 (Seger), H. R. 950 (Kennedy of Maryland), H. R. 1639 (Brewster), H. R. 1641 (Bates of Massachusetts), H. R. 1799 (Maloney), H. R. 1805 (Hall), H. R. 2534 (Culkin), H. R. 2641 (Dimond), H. R. 3210 (Cannon of Florida), H. R. 3216 (Schafer of Wisconsin), H. R. 3228 (McCormack), H. J. Res. 118 (Shanley).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

372. A letter from the Chairman of the Securities and Exchange Commission, transmitting chapter VI of the Commission's report on its study of investment trusts and investment companies, made pursuant to section 30 of the Public Utility Holding Company Act of 1935 (H. Doc. No. 70); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

373. A letter from the president of the Board of Commissioners, District of Columbia, transmitting the draft of a proposed bill to amend Public Act No. 111, Sixty-sixth Congress; to the Committee on the District of Columbia.

374. A letter from the president of the Board of Commissioners, District of Columbia, transmitting the draft of a proposed bill to provide penalties for violations of orders, rules, and regulations made, adopted, or approved by the Public Utilities Commission and by the Joint Board of the District of Columbia; to the Committee on the District of Columbia.

375. A letter from the president of the Board of Commissioners, District of Columbia, transmitting the draft of a proposed bill to allow the District of Columbia nine cadet appointments at the United States Military Academy; to the Committee on Military Affairs.

376. A letter from the president of the Board of Commissioners, District of Columbia, transmitting the draft of a proposed bill to provide for insurance rates against loss by fire and lightning and for other purposes; to the Committee on the District of Columbia.

377. A letter from the Secretary of War, transmitting the draft of a proposed bill to provide for the status of warrant officers and of enlisted men of the Regular Army who serve as commissioned officers; to the Committee on Military Affairs.

378. A letter from the president of the Potomac Electric Power Co., transmitting a report of the Potomac Electric Power Co. for the year ended December 31, 1938; to the Committee on the District of Columbia.

379. A letter from the president of the Washington Gas Light Co., transmitting a detailed report of the business of the Washington Gas Light Co., together with a list of the stockholders, for the year ending December 31, 1938; to the Committee on the District of Columbia.

380. A letter from the chairman of the District Unemployment Compensation Board, transmitting the Third Annual Report of the District Unemployment Board for the calendar year ending December 31, 1938; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SUMNERS of Texas: Committee on the Judiciary. H. R. 3233. A bill to repeal certain acts of Congress (pocket vetoed); without amendment (Rept. No. 16). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LUTHER A. JOHNSON: Committee on Foreign Affairs. H. R. 534. A bill for the relief of Hallie H. Woods; without amendment (Rept. No. 17). Referred to the Committee of the Whole House.

Mr. BLOOM: Committee on Foreign Affairs. H. R. 590. A bill for the relief of Macey N. Bevan; without amendment (Rept. No. 18). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 854) granting an increase of pension to Esther Ann Hill Morgan; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 856) granting a pension to John R. Gamble; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 831) granting a pension to Lawrence O. Meyer; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3167) granting an increase of pension to Margrett B. Adair; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3501) granting a pension to Elizabeth Walker; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3454) granting a pension to Robert Fuller; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3475) granting a pension to Thomas J. Davis; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3463) granting a pension to Charles H. Mattingly; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3494) granting an increase of pension to Lee Street; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3495) granting a pension to David C. Norris; Committee on Pensions discharged, and referred to the Committee on World War Veterans' Legislation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 3576. A bill to make effective the provisions of the Officers' Competency Certificates Convention, 1936; to the Committee on Merchant Marine and Fisheries.

H. R. 3577. A bill to amend the Canal Zone Code; to the Committee on Merchant Marine and Fisheries.

By Mr. CANNON of Florida:

H. R. 3578. A bill authorizing the construction and equipment of a marine hospital in or near the city of Miami in the State of Florida; to the Committee on Merchant Marine and Fisheries.

By Mr. COFFEE of Washington:

H. R. 3579. A bill to restrict the exportation of certain Douglas fir peeler logs and Port Orford cedar logs, and for other purposes; to the Committee on Ways and Means.

By Mr. DIRKSEN:

H. R. 3580. A bill to amend the District of Columbia Alcoholic Beverage Control Act to permit the serving of spirits at bona fide lunch counters; to the Committee on the District of Columbia.

H. R. 3581. A bill to provide for municipal automobile parking lots in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FLANNERY:

H. R. 3582. A bill to require informative advertising of imported articles; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH:

H. R. 3583. A bill to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the city of Ponchatoula, Tangipahoa Parish, La., as may be necessary for the location of a post-office building in said city, and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

H. R. 3584. A bill to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the city of Amite, parish of Tangipahoa, La., as may be necessary for the location of a post-office building in said city, and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

H. R. 3585. A bill to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the city of Franklinton, Washington Parish, La., as may be necessary for the location of a post-office building in said city, and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. HOPE:

H. R. 3586. A bill to provide for tariff-equalization fees on the manufacturing of cotton, synthetic fibers, wheat, rice, tobacco, and field corn; to the Committee on Ways and Means.

By Mr. MAY:

H. R. 3587 (by request). A bill to authorize the Secretary of War to exchange obsolete, unsuitable, and unserviceable machines and tools pertaining to the manufacture or repair of ordnance matériel for new machines and tools; to the Committee on Military Affairs.

By Mr. BOREN:

H. R. 3588. A bill to protect the production and marketing of goods and materials essential to the national defense, and for other purposes; to the Committee on Military Affairs.

By Mr. CLARK:

H. R. 3589. A bill granting the consent of Congress to the State Highway Commission of North Carolina to construct, maintain, and operate a free highway bridge across Waccamaw River, between Old Dock and Ash, N. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. DOUGHTON:

H. R. 3590. A bill relating to the taxation of the compensation of public officers and employees; to the Committee on Ways and Means.

By Mr. CHURCH:

H. R. 3591. A bill to provide for the establishment of a Coast Guard station on the shore of Illinois at or near Montrose Harbor, Cook County, Chicago; to the Committee on Merchant Marine and Fisheries.

By Mr. OLIVER:

H. R. 3592. A bill for the conservation of lobsters, to regulate interstate transportation of lobsters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PITTENGER:

H. R. 3593. A bill authorizing and directing the Secretary of War to execute an easement deed to the city of Duluth for park, recreational, and other public purposes covering certain federally owned lands; to the Committee on Military Affairs.

By Mr. RANDOLPH:

H. R. 3594. A bill to amend paragraphs 31 and 33 of an act entitled "An act to amend section 7 of an act entitled 'An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes,' approved July 1, 1902, and for other purposes," approved July 1, 1932; to the Committee on the District of Columbia.

H. R. 3595. A bill to authorize and empower the Public Utilities Commission of the District of Columbia to limit the number of public vehicles to be licensed and operated as taxicabs in the District of Columbia; to the Committee on the District of Columbia.

H. R. 3596. A bill to amend paragraph 57 of section 8 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913; to the Committee on the District of Columbia.

H. R. 3597. A bill to provide for the appointment of research assistants in the public schools of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. RICHARDS:

H. R. 3598. A bill to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended; to the Committee on Labor.

By Mr. SHAFER of Michigan:

H. R. 3599. A bill to limit working hours of Government employees; to the Committee on the Civil Service.

By Mr. SECCOMBE:

H. R. 3600. A bill to regulate interstate and foreign commerce in agricultural products; to prevent unfair competition; to provide for the orderly marketing of such products; to promote the general welfare by assuring an abundant and permanent supply of such products by securing to the producers a minimum price of not less than cost of production; and for other purposes; to the Committee on Agriculture.

By Mr. THORKELSON:

H. R. 3601. A bill to provide for studies and plans for the development of irrigation or reclamation projects at the Hungry Horse site on the South Fork of the Flathead River in Montana and on the St. Regis River in Montana; to the Committee on Irrigation and Reclamation.

By Mr. YOUNGDAHL:

H. R. 3602. A bill to authorize the erection of a United States Veterans' Administration domiciliary unit to provide 700 beds at Fort Snelling, Minn., and to provide the necessary auxiliary structures, mechanical equipment, and out-

patient dispensary facilities, with accommodations for personnel, and to acquire the necessary vehicles, livestock, furniture, equipment, and accessories; to the Committee on World War Veterans' Legislation.

By Mr. ZIMMERMAN:

H. R. 3603. A bill to amend section 36 of the Emergency Farm Mortgage Act of 1933, as amended; to the Committee on Agriculture.

By Mr. ROMJUE:

H. R. 3604 (by request). A bill to fix the salaries of Assistant Postmasters General; to the Committee on the Post Office and Post Roads.

By Mr. SIROVICH:

H. R. 3605. A bill to provide a permanent force to classify patents, and so forth, in the Patent Office; to the Committee on Patents.

By Mrs. NORTON:

H. R. 3606 (by request). A bill to require reports to the Department of Labor by contractors and subcontractors on public buildings and public works concerning employment, wages, and value of materials, and for other purposes; to the Committee on Labor.

H. J. Res. 144 (by request). Joint resolution authorizing the Bureau of Labor Statistics to collect information as to amount and value of all goods produced in State and Federal prisons; to the Committee on Labor.

By Mr. KELLER:

H. Res. 77. Resolution to provide for a new Special Committee to Investigate Un-American Activities; to the Committee on Rules.

By Mr. MARTIN J. KENNEDY:

H. Res. 78. Resolution requesting information of the State Department on Mexican relations; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Wyoming, memorializing the President and the Congress of the United States to consider their Senate Joint Memorial No. 1 and House Joint Memorial No. 2, with reference to lands now subject to taxation in Teton County, Wyo.; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY of Massachusetts:

H. R. 3607. A bill to credit the account of Everett P. Sheridan; to the Committee on Claims.

H. R. 3608. A bill for the relief of Minnie M. Sears; to the Committee on Claims.

By Mr. EATON of California:

H. R. 3609. A bill granting a pension to Pauline M. Ridgman; to the Committee on Pensions.

H. R. 3610. A bill for the relief of Robert E. Blair; to the Committee on Military Affairs.

By Mr. GILLIE:

H. R. 3611. A bill for the relief of Nelson H. Rogers; to the Committee on Military Affairs.

By Mr. GRIFFITH:

H. R. 3612. A bill for the relief of Pearl A. Stevens; to the Committee on Claims.

By Mr. IZAC:

H. R. 3613. A bill for the relief of Mr. and Mrs. Charles F. Carter, parents and guardians of Louise Marie Carter, a minor; to the Committee on Claims.

By Mr. KEAN:

H. R. 3614. A bill for the relief of Frank M. Croman; to the Committee on Claims.

By Mr. KIRWAN:

H. R. 3615. A bill to correct the military record of Michael Waliga; to the Committee on Military Affairs.

By Mr. LUDLOW:

H. R. 3616. A bill for the relief of Margie Wamsley; to the Committee on War Claims.

By Mr. PACE:

H. R. 3617. A bill granting a pension to Calvin J. Pope; to the Committee on Pensions.

By Mr. PLUMLEY:

H. R. 3618. A bill granting an increase of pension to Mary E. Blake; to the Committee on Invalid Pensions.

H. R. 3619. A bill for the relief of widows of certain Reserve officers of the Army who died while serving with the Civilian Conservation Corps; to the Committee on Claims.

By Mr. SHAFER of Michigan:

H. R. 3620. A bill for the relief of Samuel Slis; to the Committee on Military Affairs.

By Mr. SNYDER:

H. R. 3621. A bill granting an increase of pension to Emma Duncan; to the Committee on Invalid Pensions.

H. R. 3622. A bill granting a pension to Flora Turner; to the Committee on Invalid Pensions.

By Mr. SPENCE:

H. R. 3623. A bill for the relief of Capt. Clyde E. Steele, United States Army; to the Committee on Claims.

By Mr. SUTPHIN:

H. R. 3624. A bill for the relief of George T. Eayres; to the Committee on Military Affairs.

By Mr. TABER:

H. R. 3625. A bill granting a pension to Anna L. Rumsey; to the Committee on Invalid Pensions.

H. R. 3626. A bill granting a pension to Ida Jones; to the Committee on Invalid Pensions.

H. R. 3627. A bill granting an increase of pension to Martha E. H. Fisher; to the Committee on Invalid Pensions.

H. R. 3628. A bill granting an increase of pension to Frances K. Knoblock; to the Committee on Invalid Pensions.

H. R. 3629. A bill granting an increase of pension to Sarah VanTuyt; to the Committee on Invalid Pensions.

H. R. 3630. A bill granting an increase of pension to Alice Chapman; to the Committee on Invalid Pensions.

H. R. 3631. A bill granting a pension to Lydia E. Perkins; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee:

H. R. 3632. A bill granting a pension to Leonard Stanley; to the Committee on Pensions.

By Mr. THOMAS of Texas:

H. R. 3633. A bill to correct the military record of Huron J. Avant; to the Committee on Military Affairs.

H. R. 3634. A bill for the relief of Samuel H. Mills; to the Committee on World War Veterans' Legislation.

By Mr. THORKELOSON:

H. R. 3635. A bill for the relief of Mary Minelich; to the Committee on Claims.

H. R. 3636. A bill providing for the advancement on the retired list of the Army of Arthur Glenn; to the Committee on Military Affairs.

H. R. 3637. A bill granting a pension to Joseph E. Williams; to the Committee on World War Veterans' Legislation.

By Mr. TURNER:

H. R. 3638. A bill for the relief of Thomas J. Jackson; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

743. By Mr. ASHBROOK: Joint resolution of the Ohio Legislature, relating to the failure of Social Security Board to pay Ohio October 1938 quota of old-age pension funds; to the Committee on Ways and Means.

744. By Mr. BALL: Petitions of certain citizens of Wilimantic, Conn., favoring the general policy of neutrality as set forth in the act of August 31, 1935, and as amended by the act of May 1, 1937; to the Committee on Foreign Affairs.

745. By Mr. BOLLES: Petition of sundry citizens of Monroe, Wis., requesting that we adhere to the general policy

of neutrality contained in the act of August 31, 1935, and in the act of May 1, 1937; to the Committee on Foreign Affairs.

746. By Mr. COFFEE of Washington: Resolution of the Seattle National Farm Loan Association, T. A. Garrett, secretary-treasurer, Auburn, Wash., pointing out that the extremely dry weather of the last summer, together with an unusually low price of milk and its products, has made it impossible in many cases for farmers to meet their installments on Federal farm loans, and calling attention to the fact that many are faced with foreclosure and loss of their homes, which would result in their having to be either supported by public-relief agencies or left to starve, and therefore urgently requesting that Congress repass the act to suspend payments on the principal of farm loans until such time as the agricultural situation improves; to the Committee on Banking and Currency.

747. Also, resolution of the port of Tacoma, a municipal corporation of Tacoma, Wash., pointing out that the United States has ownership of lands under navigable waters but that title to such lands is by right and by law vested in the several States; asserting that the States cannot be deprived of their rights to the ownership of such lands without just compensation; alleging that legislation denying the States such rights would cast a cloud upon title to such lands; and therefore opposing House Joint Resolution No. 24, which would seek to revest in the United States sovereign title to, or ownership of, lands under navigable waters, or any mineral deposits therein; to the Committee on the Public Lands.

748. Also, resolution of Local 1-9, International Longshoremen and Warehousemen's Union, of Seattle, Wash., Hugh R. Bradshaw, secretary, pointing out that the Dies committee was established by Congress to investigate subversive activities but has actually suppressed and ignored abundant evidence that Fascist spies were working openly in the United States; asserting that the committee has attempted to plaster all Progressive and Democratic organizations as communistic; insisting that the accused were not afforded opportunity to appear in their defense; alleging that the committee has attacked President Roosevelt and labor leaders; therefore urging that Congress deny additional appropriation and continuance of the Dies committee; to the Committee on Rules.

749. By Mr. CONNERY: Petition of the supreme board of directors, Knights of Columbus, New Haven, Conn., opposing any action of Congress which would result in a lifting of the embargo on the shipment of arms and munitions to Spain; to the Committee on Foreign Affairs.

750. Also, petition of the City Council of Revere, Mass., protesting against any reduction of the Works Progress Administration and urging an appropriation of a sufficient sum of money—at least \$875,000,000—to provide for those now on the Works Progress Administration rolls; to the Committee on Appropriations.

751. By Mr. ELSTON: Petition of Rev. Eugene C. Gerlach, pastor, and parishioners of St. Margaret of Cortona Church, Madisonville, Cincinnati, Ohio, requesting adherence to the general policy of neutrality contained in the acts of August 31, 1935, and May 1, 1937; to the Committee on Foreign Affairs.

752. Also, petition of Rev. Warren C. Lilly, pastor, and parishioners of Bellarmine Chapel, Cincinnati, Ohio, requesting adherence to the general policy of neutrality contained in the acts of August 31, 1935, and May 1, 1937; to the Committee on Foreign Affairs.

753. By Mr. GILLIE: Petition of Mrs. J. H. Brooks and 80 other residents of Fort Wayne, Ind., urging that Congress shall adhere to the general policy of neutrality, and that Congress launch an investigation of those leftist groups which are sponsoring propaganda favoring the lifting of the embargo on arms to "red" Spain; to the Committee on Foreign Affairs.

754. Also, petition of 89 residents of Decatur, Ind., urging the Congress, for as long as we shall adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary

principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

755. Also, petition of 94 residents of Waterloo, Ind., petitioning Congress, for as long as we shall adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

756. Also, petition of Samuel Lewis and 45 other residents of Fort Wayne, Ind., urging the speedy enactment of the Townsend plan bill; to the Committee on Ways and Means.

757. Also, petition of A. H. Burns and 13 other residents of Fort Wayne, Ind., urging the Congress to maintain the Spanish embargo, and provide adequate defense of our own country but to avoid anything tending to involve us in European or Asiatic disputes; to the Committee on Military Affairs.

758. By Mr. HANCOCK: Petition of Rev. H. C. McDowell and other residents of Syracuse, N. Y., favoring the general policy of neutrality as enunciated in the acts of August 31, 1935, and May 1, 1937; to the Committee on Foreign Affairs.

759. By Mr. HARTER of New York: Petition of certain users of bakers' goods; to the Committee on Agriculture.

760. By Mr. HAWKS: Petition of 21 residents of Klevenville and Cross Plains, Wis., protesting against any change in the neutrality policy of our country; to the Committee on Foreign Affairs.

761. Also, petition of 88 members of the Holy Name Society of Watertown, Wis., protesting against any change in the neutrality policy of our country; to the Committee on Foreign Affairs.

762. By Mr. HOOK: Petition of H. L. Deming, urging an increase in the Works Progress Administration appropriation and increases in wages in the Works Progress Administration; to the Committee on Ways and Means.

763. By Mr. LUTHER A. JOHNSON: Petition of C. A. Edge, of Bryan, Tex., favoring House bill No. 220, repealing the Federal retail dealers' license on oleomargarine; to the Committee on Agriculture.

764. By Mr. KEAN: Resolution adopted by the La Salle Society, of Newark, N. J., urging the Congress to adhere to the general policy of neutrality as set forth in the act of August 31, 1935, and amended May 1, 1937; to the Committee on Foreign Affairs.

765. Also, memorial of the Newark Chapter, American Red Cross, endorsing the action taken by the International Red Cross Conference in London, June 20, 1938, asking all governments to take the necessary steps to bring about agreements which will prevent the bombing from the air, to safeguard the lives of helpless women and children and aged civilians; to the Committee on Foreign Affairs.

766. Also, resolution adopted by the St. Patrick's Day parade committee, opposing the lifting of the Spanish embargo; to the Committee on Foreign Affairs.

767. Also, resolution adopted by New Jersey State Council, Knights of Columbus, opposing the lifting of the Spanish embargo; to the Committee on Foreign Affairs.

768. By Mr. KEOGH: Petition of 375 citizens of Greater New York, concerning the present Neutrality Act and urging the retention of the same without amendment; to the Committee on Foreign Affairs.

769. By Mr. KRAMER: Resolution of the Los Angeles Meat and Provision Drivers Union, relating to the Patman bill (H. R. 9464); to the Committee on Ways and Means.

770. Also, resolution of the Board of Supervisors of the County of Los Angeles, relating to the national parks in California, etc.; to the Committee on the Public Lands.

771. Also, resolution of the Pasadena Central Labor Union, relating to the deficiency appropriation bill to maintain the Works Progress Administration, etc.; to the Committee on Appropriations.

772. Also, resolution of the Los Angeles Presbyterian Church, relating to the boycotting of German goods, etc.; to the Committee on Foreign Affairs.

773. Also, resolution of the Retail Clerks International Protective Association, of Riverside, Calif., relating to the Patman chain-store bill, etc.; to the Committee on Ways and Means.

774. By Mr. MAGNUSON: Petition of 7,625 residents of Seattle, Wash., asking that as long as we adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, there be retained on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

775. Also, petition of 7,456 residents of Seattle, Wash., asking the immediate revision of the neutrality policy enunciated in the act of May 1, 1937, so as to lift the embargo against the present Spanish Government; to the Committee on Foreign Affairs.

776. By Mrs. NORTON: Petition of Rita V. Smith and eight other residents of Jersey City, N. J., urging the Congress of the United States to adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

777. Also, petition of Louise T. Byrne and five other residents of Jersey City, N. J., requesting the Congress to oppose any move tending to amend or repeal the Neutrality Act; to the Committee on Foreign Affairs.

778. Also, petition of Patrick J. Malone and 16 other residents of Jersey City, N. J., urging the Congress of the United States to adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

779. Also, petition of Patrick Kitson and 13 other residents of Jersey City, N. J., urging the Congress of the United States to adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

780. Also, petition of Eleanor Loughlin and 19 other residents of Jersey City, N. J., urging the Congress of the United States to adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

781. Also, petition of Pete Marcasiano and 51 other residents of Jersey City, N. J., urging the Congress of the United States to adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

782. Also, petition of Marie A. Kelly and 23 other residents of Jersey City, N. J., requesting the Congress to oppose any move tending to amend or repeal the Neutrality Act; to the Committee on Foreign Affairs.

783. Also, petition of Edward J. Hoffman and 46 other parishioners of Our Lady of Sorrows Church, Jersey City, N. J., urging the Congress of the United States to adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

784. Also, petition of Anne Lynch and 21 residents of Jersey City, N. J., urging the Congress of the United States to adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

785. Also, petition of Joseph F. O'Leary and 21 other residents of Jersey City, N. J., urging the Congress of the United States to adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

786. Also, petition of Rev. A. L. Adzima and 66 other residents of Bayonne, N. J., urging the Congress of the United States to adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

787. Also, petition of Rev. Michael Mercolino, pastor of Our Lady of Assumption Roman Catholic Church, Bayonne, N. J., and 21 parishioners, protesting against any move to lift the so-called Spanish embargo; to the Committee on Foreign Affairs.

788. Also, petition of Christine F. Keller and 20 other teachers of St. Nicholas School, Jersey City, N. J., opposing any move to lift the so-called Embargo Act; to the Committee on Foreign Affairs.

789. Also, petition of Miss C. P. Regan and 142 other residents of Bayonne and Jersey City, N. J., urging the Congress of the United States to adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

790. Also, petition of Catherine L. Sheehan and 70 other residents of New Jersey, urging the Congress of the United States to adhere to the general policy of neutrality as enunciated in the act of August 31, 1935, to retain on our statute books the further and corollary principle enunciated in the act of May 1, 1937, extending the original act to include civil as well as international conflicts; to the Committee on Foreign Affairs.

791. By Mr. PFEIFER: Petition of the Catholic Action Group, of Nativity parish, Brooklyn, N. Y., favoring continuance of the embargo on Spain; to the Committee on Foreign Affairs.

792. By Mr. PLUMLEY: Petition of Charles J. MacLean and some 15 others, residents of Barre, Vt., petitioning Congress for enactment of legislation to stop, so far as possible, by Federal law, the great advertising campaign for the sale of alcoholic beverages by press and radio; to the Committee on Interstate and Foreign Commerce.

793. Also, petition of Mrs. Waldo Heinrichs, urging modification of the Neutrality Act, leaving the Government free to decide what action to take in each given situation, providing only certain guiding principles laid down by Congress shall be adhered to; to the Committee on Foreign Affairs.

794. By Mr. SUTPHIN: Petition of the New Jersey State Council, Knights of Columbus, opposing the lifting of the embargo on Spain; to the Committee on Foreign Affairs.

795. By Mr. THORKE: Petition of the Legislature of the State of Montana, requesting legislation prohibiting the importation of foreign-manufactured flags of the United States and other national insignia; to the Committee on Interstate and Foreign Commerce.

796. By Mr. WHITE of Idaho: Petition of certain citizens of Mullan, Wallace, Gem, and Osburn, Idaho, urging the passage of the General Welfare Act to relieve the suffering

of our needy citizens over 60 years of age and provide prosperity for America and security for all at 60; to the Committee on Ways and Means.

797. Also, petition of certain citizens of Nezperce, Idaho, urging that the United States Government put into effect a policy of nonparticipation in aggression by stopping the shipment to aggressor nations all goods that can be used by their military forces, and that immediate steps be taken to stop shipment to Japan, and that measures be taken to aid China in its desperate resistance against the invaders; to the Committee on Foreign Affairs.

798. Also, petition of Mullan Miners Union, Local No. 9, Mullan, Idaho, protesting against the present system of hospital operation in the United States and favoring the establishment of Government-owned and controlled hospital facilities for civilian use; to the Committee on Public Buildings and Grounds.

799. By Mr. VORYS of Ohio: Petition of Benson W. Hough Post, No. 3424, Veterans of Foreign Wars of the United States, approving and commending most heartily the past action of the Dies committee, investigating un-American activities, and requesting the Seventy-sixth Congress to support the above-named committee 100 percent, thereby appropriating the necessary funds to carry on this most important and urgent work; to the Committee on Foreign Affairs.

800. Also, petition of Rev. N. R. Athey and 46 others, urging the Government of the United States to put into effect a policy of nonparticipation in aggression, by stopping the shipment to aggressor nations of all goods that can be used by their military forces, and that immediate steps be taken to stop their shipment to Japan; to the Committee on Foreign Affairs.

801. By the SPEAKER: Petition of the Council of the City of Binghamton, N. Y., petitioning consideration of their resolution with reference to an airport; to the Committee on Interstate and Foreign Commerce.

802. Also, petition of the United Church Brotherhood of Long Beach, Calif., petitioning consideration of their resolution with reference to the Chinese and Japanese conflict; to the Committee on Foreign Affairs.

803. Also, petition of Emilia Principa Roig, Juncos, P. R., petitioning consideration of their resolution with reference to neutrality; to the Committee on Foreign Affairs.

804. Also, petition of certain citizens of the State of California, urging consideration of their petitions with reference to the General Welfare Act (H. R. 2 and S. 3); to the Committee on Ways and Means.

805. Also, petition of the International Union, United Automobile Workers of America, Cleveland, Ohio, petitioning consideration of their resolution with reference to the La Follette investigating committee; to the Committee on Rules.

SENATE

THURSDAY, FEBRUARY 2, 1939

(Legislative day of Wednesday, February 1, 1939)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, February 1, 1939, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

The PRESIDENT pro tempore. Under the unanimous-consent agreement entered into yesterday, the calendar will be called for the consideration of unobjected-to bills.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.